











4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

The Mortgagors' and Purchasers' Relief Act, 1933.

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MR. PRICE (Parkdale)

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No. 49

1933

# BILL

## The Mortgagors' and Purchasers' Relief Act, 1933.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Mortgagors' and Purchasers' Relief Act, 1933*.

Interpretation      **2.** In this Act,—

"Judge"      (a) "Judge" shall mean the Master in the County of York and in any other County or District, the local judge of the Supreme Court;

"Action or proceeding"      (b) "Action or proceeding" shall mean and include proceedings by way of foreclosure, or sale under power of sale, execution on any judgment or order of any court, distress, forfeiture, judgment or order for possession, or any other judgment or order of any court or otherwise, relating to any mortgage, contract, agreement for sale or purchase of land, or any interest therein, or any renewal or extension thereof.

### PART I.

#### DEFAULT IN PRINCIPAL.

Application of Part I default in principal only.      **3.** The provisions of this Part shall only apply to a mortgage, contract, agreement for sale or purchase of land or any interest therein, or any renewal or extension thereof, where,—

Mortgages made prior to March 29th, 1932, and renewals after that date.      (a) Such mortgage, agreement, contract, renewal or extension thereof has been made or entered into prior to the 29th day of March, 1932, or where such renewal or extension has been made after the 29th day of March, 1932 of any mortgage, agreement or contract made or entered into prior to that date.

Interest, etc., paid but default in principal.      (b) All interest, rent, taxes, insurance or any other disbursements have been paid, but default has been

#### EXPLANATORY NOTES

The 1932 Act provided in effect that if interest, taxes, insurance and other disbursements due, had been paid, but there was default in payment of principal,—no action could be taken to enforce the provisions of any mortgage, etc., made before the 29th day of March, 1932; nor could any proceedings that had been taken between the 1st day of February, 1932, and March 29th, 1932, be continued without leave of a judge.

This Bill, repeals the 1932 Act, re-enacts the above mentioned provisions and applies to mortgages, etc., executed prior to the 29th of March, 1932.

This Bill extends relief only to *a mortgagor or purchaser who resides upon, owns and occupies the land or premises covered by the mortgage, etc.*, in respect to payments of interest.

*The Act is divided into three Parts.*

#### PART I

Section 2 defines judge and action or proceeding;

Section 3 limits the provisions of this Part to all mortgages, agreements or contracts for the sale of land or any renewals or extensions thereof,—

(a),—made prior to the 29th of March, 1932, and renewals made thereafter.

(b),—where all interest, etc., has been paid but where default has been made in payment of principal;

made in the payment of principal or any instalment thereof.

Proceedings  
not to be  
taken  
without  
leave.

Foreclosure  
sale, etc.

4.—(1) No person shall,—

(a) take or continue proceedings by way of foreclosure or sale or otherwise, or proceed to execution on or otherwise to the enforcement of, any judgment or order of any Court, for the recovery of principal money secured by any mortgage of land or any interest therein made or executed prior to the 29th day of March, 1932.

Exercise  
of power  
of sale,  
possession,  
etc.

(b) take or continue any proceedings under any power of sale, or levy any distress, or take, resume or enter into possession of any land or interest therein for the recovery of principal money under any power contained in a mortgage of land, or of any interest therein, executed prior to the 29th day of March, 1932.

Forfeiting  
purchase  
money or  
deposit.

(c) declare or take advantage of the forfeiture of any land or of any right or interest acquired therein or of any sum of money paid for or on account of the purchase money of such land or of any interest therein, or by way of deposit or otherwise, under the terms of a contract for sale or purchase made or entered into prior to the 29th day of March, 1932.

Proceedings  
against  
mortgagor,  
etc.,  
personally.

(d) take or continue any proceedings for the recovery of any part of the principal money secured by mortgage or payable as part of the purchase money of any land or any interest therein payable by the purchaser or mortgagor or by any other person as principal or guarantor or otherwise upon any covenant or agreement as principal or guarantor or otherwise, whether express or implied, made or entered into prior to the 29th day of March, 1932, or enforce by execution or other process any judgment obtained in respect of any such covenant or agreement:

Leave  
required.

Except by leave of a judge granted upon application as hereinafter provided; provided also that any action or proceeding whether in or out of Court which has been taken since the 1st day of February, 1932, may, upon leave of the Judge, as provided by this Act, be continued.

Applies to  
renewals  
after  
March 29th,  
1932.

(2) The provisions of this section shall extend and apply to any action or proceeding in respect to any renewal or extension made after the 29th day of March, 1932, of any

Section 4 (1) is the same as clauses *a* to *d* of subsection 2 of section 2 of the 1932 Act, with necessary changes as to dates;

Section 4 (2) provides that leave of judge is required before action on renewals made after March 29th, 1932, of mortgages, etc., made prior to that date.

mortgage, agreement or contract made or entered into prior to that date.

Application. **5.** The application shall be made to the judge upon originating notice in accordance with the practice of the Supreme Court.

Forfeiture not to take effect until order made. **6.—(1)** Subject to the provisions hereinafter contained, no forfeiture of any interest acquired under a contract for the sale or purchase of land or any interest therein, given, made or entered into prior to the 29th day of March, 1932, shall take effect or be deemed to have taken effect until after an order made by a judge as provided for in sections 4 and 5.

Postpone-ment of mortgage payments not to affect agreement for partial discharges. **(2)** Subject to the provisions hereinafter contained, no principal money secured or payable by any mortgage of or contract for the purchase or sale of land, made or entered into prior to the 29th day of March, 1932, shall be deemed to be due or in default so as to affect or make inoperative any provisions therein for discharging, releasing or conveying any portion or portions of the land thereunder in accordance with the terms or provisions therefor in such mortgage or contract contained, the operation of such provisions being hereby extended so long as the payment of such principal is not enforceable under the provisions of this Act; provided, however, that should the vendor or mortgagee claim a readjustment of the amount to be paid for a discharge, release or conveyance of one or more portions in order to ensure sufficient security for the amount of principal remaining unpaid, upon failure to agree thereon such claim shall be settled by the Judge.

Exceptions. **7.** Subject to the provisions hereinafter contained, sections 3, 4, 5 and 6 of this Act shall not apply to,—

- Not to apply to a mortgage or agreement made after March 29th, 1932. **(a)** any contract for sale or purchase or to any mortgage made or entered into after the 29th day of March, 1932.
- To mortgagee in possession after March 29th, 1932. **(b)** any proceedings or act done by a mortgagee in possession on or prior to the 29th day of March, 1932, with respect to the land or interest in land of which he is the mortgagee.

Exception as to mortgage to secure bonds of corporation. **8.** Nothing in this Act shall apply to or affect any right or remedy now exercisable for the enforcement of any mortgage or other security of a like nature made or entered into for the purpose of securing bonds or debentures of any corporation, but the holders of any such bonds or debentures, and any trustee for them, or the mortgagee named in any

Section 5 sets out the manner in which application may be made.

Section 6 is the same as Section 3 of 1932 Act.

Section 7 provides that this Act does not apply to mortgages, etc., made after March 29th, 1932, or to any proceedings or Acts of a mortgagee in possession prior to that date.

Section 8 is the same as subsection 2 of Section 4 of 1932 Act.



such mortgage as trustee or otherwise shall have and may exercise any such right or remedy whether the same is conferred by the general law or acquired under any such mortgage or other security as fully and effectually as if this Act had not been passed.

Powers of  
judge on  
application.

**9.**—(1) On any application made under this Part the judge may grant leave applied for, or if he is of the opinion that time should be given to the person liable to make any payment, the judge may, in his absolute discretion, after considering all the circumstances of the case and the position of all the parties, by order refuse to permit the exercise of any right or remedy or may stay execution or postpone any forfeiture as the case may be, for such time and subject to such conditions as he thinks fit.

Service of  
notices.

(2) The judge may give directions as to the service of notice of the hearing of the application upon any person whom he deems a proper party to the proceedings, and may adjourn the hearing for that purpose, or he may dispense with service of the notice of the application upon any party who appears to have abandoned his interest in the property if the judge considers that service of the notice would occasion useless or unnecessary expense or delay.

Evidence  
on  
application.

**10.** It shall not be necessary to support any such application by affidavit or other evidence, except such evidence, if any, as may be necessary to show the nature and extent of the relief required, but if any contest arises between the parties the judge to whom the application is made may make such requirements or give such directions as to evidence on the part of any party as the judge may deem proper.

Terms of  
order.

**11.** The order may provide for the giving of any undertaking or the deposit in court or otherwise of any security, or the appointment of a receiver or the granting of an injunction.

Costs.

**12.** The costs of the application shall be in the discretion of the judge, who shall fix the amount of the same, and by whom they shall be paid, and he may direct that they be added to the mortgage or other debt, but in the case of any mortgage or other contract on which there is owing less than \$3,000, the costs shall not be fixed at a greater amount than \$15.

Order of  
judge at  
trial.

**13.** Where an action or other proceeding has been taken in court upon a mortgage or contract to which sections 4 and 5 apply, upon the trial of any issue arising in the action or proceedings, the judge, whether an application or order has or has not been made, as provided by sections 4 and 5, may exercise the discretion and make the order provided by those sections or by section 9.



Section 9 is the same as Section 5 of 1932 Act.

Section 10 is the same as Section 6 of 1932 Act.

Section 11 is the same as Section 7 of 1932 Act.

Section 12 is the same as Section 8 of 1932 Act.

Section 13 is the same as Section 10 of 1932 Act except changes in reference to section numbers made necessary by this Bill.

Application  
of Act.

**14.** The provisions of this Act shall apply to any actions or proceedings which are taken in any court of Ontario, notwithstanding that the lands in question in the action are situate without Ontario or the agreement or mortgage or other contract was made and entered into outside Ontario.

## PART II.

### DEFAULT IN PAYMENT OF INTEREST, TAXES, INSURANCE, ETC.

Application  
of Part II.

**15.** The provisions of this Part shall only apply to a mortgage, contract or agreement for sale or purchase, or a renewal or extension thereof of any land or any interest therein, where,—

Mortgagor  
to reside  
on premises.

(a) the mortgagor, purchaser, or any other person liable to make payments thereunder, owns, resides upon and occupies the land or premises covered by such mortgage, contract, agreement or renewal or extension thereof;

Mortgages,  
etc., made  
prior to  
March 29th,  
1932, and  
renewals  
after that  
date.

(b) such mortgage, agreement, contract or renewal or extension thereof has been made and entered into prior to the 29th day of March, 1932, or where such renewal or extension has been made after the 29th day of March, 1932, of any mortgage, agreement or contract made or entered into prior to that date.

Default in  
interest,  
etc.

(c) default has been made in the payment of interest, rent, taxes, insurance or any other disbursements by any such mortgagor, purchaser or any other person liable to make such payments under such mortgage, contract, agreement or extension or renewal thereof.

Issue of  
writ or  
notice of  
sale  
proceedings  
not inter-  
fered with.

**16.** Nothing in this Act shall prevent any mortgagee or vendor, his assignee or personal representative, whether in possession or not, from commencing any action or proceeding to enforce any remedies he may have under any mortgage, contract, agreement, or any renewal or extension thereof for the recovery of arrears of interest, rent, taxes, insurance or any other disbursements which may be due and owing thereunder, but such action or proceeding shall not continue and no further proceedings of any kind shall be taken except as hereinafter provided.

Relief to  
mortgagor  
etc., either  
before or  
after writ  
issued.

**17.** Before any action or proceeding has been taken as provided by section 16, or if such action or proceeding has been taken, any mortgagor, purchaser or other person within

Section 14 is the same as Section 13 of 1932 Act.

## PART II

Part II is new and is an extension of the 1932 Act, dealing with cases under certain mortgages, etc., where there has been default in payment of interest, rent, taxes and insurance:

Section 15 limits the provisions of this Part,—

(a) where the mortgagor, purchaser or other person liable to make payments of interest, etc., *owns, resides upon and occupies the land and premises.*

(b) to mortgages, agreements, etc., made prior to the 29th of March, 1932, and renewals thereof made after that date.

(c) where default has been made in payment of interest, taxes, rent, insurance or other disbursements.

Section 16. The right of a mortgagor, vendor, his assignee or personal representative to take action by way of writ or serving notice of sale proceedings, is not interfered with,—*but no further proceedings can be taken except as provided by this Bill.*

Section 17. The mortgagor or purchaser who seeks relief should have the onus placed upon him to justify any application for relief. This section provides machinery under which he may proceed. If he desires relief, he can, before any proceedings are taken, or within ten days after any proceedings have been taken, avail himself of the machinery set up in this section.

the provisions of section 15, who is unable to pay his interest, rent, taxes, insurance or any other disbursements upon any mortgage, contract, agreement or any renewal or extension thereof, if served with any writ or process, within ten days of service, and if not so served, at any time may apply for relief in the manner following:—

Application  
to be made  
to  
mortgagee.

- (i) He shall first make an application to the mortgagee, or vendor, his assignee or personal representative, as the case may be. Such application shall be in writing, duly verified under oath and shall set out such particulars and in such form as may be prescribed by the regulations under this Act, together with such other evidence as may be deemed necessary for a proper consideration of all the circumstances of the case;

Failure on  
application  
to  
mortgagee.

- (ii) If no satisfactory agreement is made upon any such application, the mortgagee or vendor, his assignee or personal representative as the case may be, shall forthwith notify the applicant in writing by registered letter at his last known place of address, or by personal service, and such applicant may then, within ten days of the receipt of such notice, apply *ex parte* to the judge for an appointment to hear the case, and shall give two days' notice in writing to the mortgagee, vendor, assignee or personal representative as the case may be, of such application;

Right to  
apply to  
the Judge  
for a  
hearing.

Evidence  
before  
judge on  
application  
for a  
hearing.

- (iii) Before the judge shall grant any appointment for a hearing, the applicant shall,—

Satisfy  
judge no  
arrangement  
with  
mortgagee.

- (a) satisfy the judge that he has complied with the provisions of paragraph (i) of this section and has failed to make any satisfactory adjustment or agreement;

File  
material.

- (b) produce and file the material used on such application;

File  
affidavit of  
particulars.

- (c) produce and file an affidavit setting out such particulars, and in such form as may be prescribed by the Regulations under this Act, together with such other evidence as the judge may deem necessary to disclose the position of the applicant and the nature and extent of the relief required.

Where  
application  
made,—  
proceedings  
stayed.

18. In all cases where an action or other proceeding has been commenced, and an application has been made under

Section 17 (i). The mortgagor, etc., shall first make application to the mortgagee, etc., and produce an affidavit setting out the particulars of his case in such form as is prescribed by the regulations made pursuant to this Bill.

*Note:—*The great majority of mortgagees and vendors are reasonable, and it is thought that many cases will be satisfactorily adjusted under this procedure.

Section 17 (ii). Where no satisfactory adjustment has been reached between the parties on the application, the mortgagee shall notify the mortgagor, etc., *who is given the right within ten days of such notice to apply to the judge ex parte for an appointment to hear his application for relief.*

Section 17 (iii) provides that the applicant on his application to the judge for a hearing,—

- (a) Shall satisfy the judge that he has made application to the mortgagee but has failed to obtain relief;
- (b) Shall produce and file the material used on such application to the mortgagee;
- (c) Shall produce and file an affidavit setting out the particulars and in such form as is prescribed by the Regulations made pursuant to this Bill, together with such other evidence as may be required; and shall make out a *prima facie* case which would warrant a hearing.

*Note:—*This creates no hardship on a mortgagor. It gives him the right to lay the facts of his case fully before the judge. It may be, in many cases, the judge finds that there are no just grounds to warrant a hearing and many cases will be settled in this manner.

Section 18. In all cases where application has been made, all actions that have been commenced are stayed, and no further proceedings shall be taken until the application has been finally disposed of.



the provisions of section 17 of this Act, such action or proceeding shall, *ipso facto*, be stayed pending the final disposition of such application, and in all other cases, no action or proceeding shall be taken pending the final disposition of any application.

Order where *prima facie* case not made out.

**19.** Where upon any application made to the judge under the provisions of section 17 of this Act, he is of the opinion that the applicant has not made out a *prima facie* case for relief, he may refuse such application, and in such cases where an action or other proceeding has been commenced such action or other proceeding shall continue.

Directions by judge when a hearing granted.

**20.** Where upon any application made under the provisions of section 17, the judge is of the opinion that the applicant has made out a *prima facie* case and would be entitled to relief, he shall grant an appointment for a hearing, and in such case shall give directions as to the service of the appointment upon any person whom he deems a proper party to the proceedings; provided, however, that all such appointments be served not less than ten days before the date of the hearing.

Giving notices of hearing.

**21.** The judge may adjourn any hearing for the purpose of giving notice to any person who may be deemed to be a proper party to the proceedings, and if he considers that service of the notice would occasion useless or unnecessary expense or delay, may dispense with service of the notice of the hearing upon any party who appears to have abandoned his interest in the property.

Order of judge on hearing.

**22.** On any hearing, if the judge is of opinion that the applicant is entitled to relief, he may, after considering all the circumstances of the case, and the position of the parties, order:—

Where no proceedings taken.

(i) Where no proceedings have been taken,

Relief not exceeding six months.

(a) that the applicant be relieved from making any payments for a period not exceeding six months;

After six months monthly payments by way of rent.

(b) that from and after the expiration of such six months, the applicant shall pay in advance to such person or persons as he may determine, by way of rent, monthly payments based upon at least seventy-five per centum of the yearly aggregate amount of the interest, taxes and insurance due in any year;

Applicant not to sell goods without consent of mortgagee or judge.

(c) that the applicant shall not in any manner sell, mortgage, encumber or in any way dispose of any of his goods and chattels without the consent of the mortgagee or the judge;

Section 19. This section gives power to the judge, where a *prima facie* case has not been made out, to refuse the application for relief and a hearing, and in such cases, proceedings continue.

Section 20 gives power to the judge where a *prima facie* case has been made out on the application, to order a hearing and to fix a day for the same, and to give directions as to services of notice of the hearing on all parties he deems proper. Ten day's notice shall be given of the hearing.

Section 21. Power is given the judge to adjourn and give further directions as to service of any notice of the hearing to any parties he deems necessary.

Section 22 provides what order the judge may make,—

(i),—*where no proceedings have been taken*,—

(a),—the applicant may be relieved from making any payments for a period not exceeding six months,

(b),—after the expiration of the six months, he shall pay in advance by way of rent, monthly payments based upon at least seventy-five per centum of the yearly aggregate amount of interest, taxes, and insurance due in any year,

(c),—he shall not sell or dispose of his goods without leave of the mortgagee or judge,

Failure to  
comply  
with terms  
of order.

Proviso—  
Judge may  
order  
payment  
within six  
months  
period.

Order where  
action or  
proceedings  
taken.

No costs  
on hearing  
or  
application.

Applicant  
may  
conduct  
proceedings.

Hearings.

Dispositions  
in certain  
cases after  
Jan. 1st, 1933

Bona fide  
transfers to  
third parties  
not affected.

(d) that failure on the part of the applicant to comply with the terms of the order, the mortgagee or vendor, his assignee or personal representative may exercise any rights he has under his mortgage, agreement, contract or extension or renewal thereof, as the case may be, provided, however, that nothing herein shall prevent the judge in proper cases where he is of the opinion that the applicant can pay by way of rent, monthly payments in such reasonable amounts and to such persons as he may determine during such six months period, to order that such payments be made.

(ii) where an action or other proceedings have been taken, in addition to the provisions of any order made under this section, that such action or other proceedings be stayed, provided however if the terms of the order as to any monthly payments are not complied with, such action or other proceedings may continue and shall be deemed to have commenced as and from the date of the failure to comply with the terms of such order, and not from the date when the action or other proceedings were taken.

**23.** No costs shall be allowed by the judge on any hearing, and no fees of any kind shall be collected from any person upon any application or hearing.

**24.** Any applicant may prepare his own material, and appear and conduct his case personally and without counsel if he so desires.

**25.** Hearings shall be in camera and shall be held by the judge in his chambers.

**26.—(1)** The provisions of this Part shall extend and apply to an action or proceeding taken after the 1st day of January, 1933, upon any mortgage, contract, agreement for sale or purchase of land made prior to the 29th day of March, 1932, or any extension or renewal thereof, which has resulted in any mortgagor, purchaser, or any other party liable thereunder, who owned, resided upon and occupied such land, being dispossessed of the lands affected, by any mortgagee, vendor, his assignee or personal representative, who is in possession of the said lands; and in all such cases, notwithstanding the provisions of section 17, any such mortgagor, purchaser or other party may within 15 days after the passing of this Act make an application for relief to the Judge.

(2) The provisions of this Part shall not extend or apply to any action or proceeding mentioned in subsection 1 hereof, where an actual transfer or change of ownership in the said lands to a *bona fide* purchaser for value has been effected.



- (d),—Failure to make payments and comply with the order, the mortgagee, etc., may exercise any rights he has. The judge may in proper cases, where he is of opinion that the applicant can pay by way of rent, monthly payments in reasonable amounts, order payment within the six months period.

(ii) *Where proceedings have been taken,—*

In addition to the above, the order shall stay proceedings, but if the terms of the order are not carried out, the proceedings continue, and shall be deemed to continue, from the date of the default in the order.

Where a proper case has been made out under the Bill,—a period not exceeding six months is considered not to be an unreasonable length of time to postpone payments due, and gives the mortgagor an opportunity to arrange his affairs,—nor is it considered unreasonable to order, after the expiration of the six months, if the mortgagor desires to remain on the premises, that he should at least pay something by way of rent for use and occupation,—as the mortgagee must also be protected,—as he possibly is as much in need of his income (probably more so), than is the mortgagor—so that the result of such order is that both mortgagor and mortgagee are considered; also, it is not unreasonable that if the applicant can pay something within reason in the six months period, by way of rent, he should do so.

Section 23 provides that there shall be no costs or fees on any application or hearing.

Section 24. Any applicant may conduct his case in person without counsel if he so desires.

Section 25. Hearings shall be held in Judge's Chambers and in camera.

Section 26. (1) Applies to dispossessions after January 1st, 1933 where the mortgagee, etc. in possession.

(2) Transfers after January 1st, 1933 to third parties for value not affected.

## PART III.

## GENERAL PROVISIONS APPLICABLE TO BOTH PARTS I AND II.

Reviewing  
varying  
order.

**27.** An order made under this Act may, if subsequent circumstances render it just so to do, on ten days' notice to all proper parties, be suspended or discharged or otherwise varied or altered upon application to the judge.

Powers  
under Act  
to be  
additional.

**28.** The powers conferred by this Act shall be in addition to and not in derogation of any other powers of the judge.

Rules.

**29.** The powers of the Supreme Court to prescribe rules shall apply to the making of rules for carrying into effect the provisions of this Act and for regulating the practice and procedure under it where the same are not regulated by the existing rules.

Proceedings  
where  
moneys paid  
into Court  
or tender  
is made.

**30.** Where, after any action or other proceeding has been commenced, and such principal, interest, rent, taxes or other disbursements are paid into Court or tendered to the mortgagee, vendor, assignee or personal representative, such action or other proceeding shall not be continued without an order of the judge granted upon an application to him upon originating notice in accordance with the practice of the Supreme Court, except that in the case of money being paid into Court, the plaintiff shall, if he so elects, have the right to take the money out of Court and abandon his action; or in the case of money being tendered him, he shall, if he so elects, have the right to take the same and abandon his action, and such plaintiff shall be entitled to such reasonable costs as the judge may allow.

No action or  
proceeding  
by sheriff  
on  
execution  
against  
land except  
by leave  
of judge.

**31.** No sheriff or other person shall take any action or proceeding under the provisions of *The Execution Act* or otherwise upon any execution against the land of a mortgagor, purchaser or any other person liable to make payments under any mortgage, contract or agreement for the sale or purchase of any land or any interest therein or any renewal or extension thereof made or entered into prior to the 29th day of March, 1932, or where such renewal or extension has been made after the 29th day of March, 1932, of any mortgage, agreement or contract made or entered into prior to that date, except by leave of the judge granted upon application as provided in Part I of this Act, the provisions of which Part shall apply.

**32.** The Lieutenant-Governor in Council may make Regulations,—

Power  
to make  
Regulations.

- (a) prescribing the particulars and the form thereof to be furnished by an applicant for relief under the provisions of this Act;—

### PART III

#### GENERAL PROVISIONS APPLICABLE TO BOTH PARTS I AND II

Section 27. The same as Section 9 of the 1932 Act and permits any order made to be reviewed or varied, suspended or discharged if subsequent circumstances justify such action, on proper notice.

Section 28. The same as Section 11 of the 1932 Act. The powers conferred are to be in addition to any other powers of the judge.

Section 29. The same as Section 12 of the 1932 Act., Powers of Supreme Court to prescribe Rules applies.

Section 30 provides for cases where moneys due have been paid into court or a tender made.

Section 31 provides that no proceedings shall be taken by a sheriff or other person under execution for sale of land without leave of the judge.

Section 32 gives power to make regulations prescribing form of particulars to be given.

- (b) generally for the better carrying out of the provisions of this Act.

Duration  
of Act.

**33.** The Lieutenant-Governor in Council may at any time terminate the operation of this Act or provide that this Act shall have effect subject to such limitations as may be contained in the Order-in-Council, but, subject to the operation of such Order-in-Council this Act shall have effect as and from the 1st day of January, 1933, and shall remain in force until after the expiration of thirty days from the close of the next Session of the Legislature.

1932, c. 49,  
repealed.

**34.** *The Mortgagors' and Purchasers' Relief Act, 1932*, is repealed.

Section 33 provides that the Lieutenant-Governor in Council may terminate, or limit the Act, and subject to such Order, the Act shall be effective from the 1st of January, 1933, and remain in force until thirty days from the close of the next session of the Legislature.

Section 34 repeals the 1932 Act.





BILL

The Mortgagees' and Purchasers'  
Relief Act, 1933.

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*1st Reading*

March 8th, 1933

*2nd Reading*

*3rd Reading*

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MR. PRICE (Parkdale)

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23 GEORGE V, 1933

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Interpreta-  
tion

**2.** In this Act,—

“Judge”

(a) “Judge” shall mean the Master in the County of York and in any other County or District, the local judge of the Supreme Court;

“Action or  
proceeding”

(b) “Action or proceeding” shall mean and include proceedings by way of foreclosure, or sale under power of sale, execution on any judgment or order of any court, distress, forfeiture, judgment or order for possession, or any other judgment or order of any court or otherwise, relating to any mortgage, contract, agreement for sale or purchase of land, or any interest therein, or any renewal or extension thereof.

### PART I.

#### DEFAULT IN PRINCIPAL.

Application  
of Part I  
default in  
principal  
only.

**3.** The provisions of this Part shall only apply to a mortgage, contract, agreement for sale or purchase of land or any interest therein, or any renewal or extension thereof, where,—

Mortgages  
made  
prior to  
March 4th,  
1932, and  
renewals.

(a) Such mortgage, agreement, or contract, has been made or entered into prior to the 4th day of March, 1932, or any renewal or extension thereof within the provisions of section 37.

Interest,  
etc., paid  
but default  
in  
principal.

(b) All interest, rent, taxes, insurance or any other disbursements have been paid, but default has been

#### EXPLANATORY NOTES

The 1932 Act provided in effect that if interest, taxes, insurance and other disbursements due, had been paid, but there was default in payment of principal,—no action could be taken to enforce the provisions of any mortgage, etc., made before the 4th day of March, 1932; nor could any proceedings that had been taken between the 1st day of February, 1932, and March 4th, 1932, be continued without leave of a judge.

This Bill, repeals the 1932 Act, re-enacts the above mentioned provisions and applies to mortgages, etc., executed prior to the 4th of March, 1932.

This Bill extends relief only to *a mortgagor or purchaser who resides upon, owns and occupies the land or premises covered by the mortgage, etc.*, in respect to payments of interest.

*The Act is divided into three Parts.*

#### PART I

Section 2 defines judge and action or proceeding;

Section 3 limits the provisions of this Part to all mortgages, agreements or contracts for the sale of land or any renewals or extensions thereof,—

(a),—made prior to the 4th of March, 1932, and renewals thereof.

(b),—where all interest, etc., has been paid but where default has been made in payment of principal;

made in the payment of principal or any instalment thereof.

Proceedings  
not to be  
taken  
without  
leave.

Foreclosure  
sale, etc.

Exercise  
of power  
of sale,  
possession,  
etc.

Forfeiting  
purchase  
money or  
deposit.

Proceedings  
against  
mortgagor,  
etc.,  
personally.

Leave  
required.

Applies to  
a mortgage  
of a mortgage

4.—(1) No person shall,—

- (a) take or continue any action or proceeding by way of foreclosure or sale or otherwise, or proceed to execution on or otherwise to the enforcement of, any judgment or order of any Court, for the recovery of principal money secured by any mortgage of land or any interest therein made or executed prior to the 4th day of March, 1932.
- (b) take or continue any action or proceeding under any power of sale, or levy any distress, or take, resume or enter into possession of any land or interest therein for the recovery of principal money under any power contained in a mortgage of land, or of any interest therein, executed prior to the 4th day of March, 1932.
- (c) declare or take advantage of the forfeiture or take, resume or enter into possession of any land or of any right or interest acquired therein or of any sum of money paid for or on account of the purchase money of such land or of any interest therein, or by way of deposit or otherwise, under the terms of a contract for sale or purchase made or entered into prior to the 4th day of March, 1932.
- (d) take or continue any action or proceeding for the recovery of any part of the principal money secured by mortgage or payable as part of the purchase money of any land or any interest therein payable by the purchaser or mortgagor or by any other person as principal or guarantor or otherwise upon any covenant or agreement as principal or guarantor or otherwise, whether express or implied, made or entered into prior to the 4th day of March, 1932, or enforce by execution or other process any judgment obtained in respect of any such covenant or agreement:

Except by leave of a judge granted upon application as hereinafter provided; provided also that any action or proceeding whether in or out of Court which has been taken since the 1st day of February, 1932, may, upon leave of the Judge, as provided by this Act, be continued.



- (2) The provisions of this section shall extend and apply *mutatis mutandis*, to a mortgage of a mortgage of land or any

Section 4 (1) is the same as clauses *a* to *d* of subsection 2 of section 2 of the 1932 Act, with necessary changes as to dates;

The words "or take, resume or enter into possession" are inserted in clause *c* to make the said clause conform with clause *b* where the same words appear.

Subsection 2 makes clear that a mortgage of a mortgage or an agreement for sale and purchase of land has the protection given by the Act to the original mortgagor or purchaser, as he may be dependent upon the payment of the original mortgagor to make payments to the new mortgagee.

interest therein, and to a contract for sale or purchase of a mortgage, or of a contract for sale or purchase of land or any interest therein made prior to the 4th of March, 1932.



**Application.** 5. The application shall be made to the judge upon originating notice in accordance with the practice of the Supreme Court.

Forfeiture  
not to take  
effect until  
order made.

6.—(1) Subject to the provisions hereinafter contained, no forfeiture of any interest acquired under a contract for the sale or purchase of land or any interest therein, given, made or entered into prior to the 4th day of March, 1932, shall take effect or be deemed to have taken effect until after an order made by a judge as provided for in sections 4 and 5.

Postpone-  
ment of  
mortgage  
payments  
not to affect  
agreement  
for partial  
discharges.

(2) Subject to the provisions hereinafter contained, no principal money secured or payable by any mortgage of or contract for the purchase or sale of land, made or entered into prior to the 4th day of March, 1932, shall be deemed to be due or in default so as to affect or make inoperative any provisions therein for discharging, releasing or conveying any portion or portions of the land thereunder in accordance with the terms or provisions therefor in such mortgage or contract contained, the operation of such provisions being hereby extended so long as the payment of such principal is not enforceable under the provisions of this Act; provided, however, that should the vendor or mortgagee claim a readjustment of the amount to be paid for a discharge, release or conveyance of one or more portions in order to ensure sufficient security for the amount of principal remaining unpaid, upon failure to agree thereon such claim shall be settled by the Judge.

**Exceptions.** 7. Subject to the provisions hereinafter contained, sections 3, 4, 5 and 6 of this Act shall not apply to,—

Not to  
apply to a  
mortgage or  
agreement  
made after  
March  
4th, 1932.

(a) any contract for sale or purchase or to any mortgage made or entered into after the 4th day of March, 1932.

To  
mortgagee in  
possession  
after March  
4th, 1932.

(b) any proceedings or act done by a mortgagee in possession or prior to the 4th day of March, 1932, with respect to the land or interest in land of which he is the mortgagee.

Exception  
as to  
mortgage  
to secure  
bonds of  
corporation.

8. Nothing in this Act shall apply to or affect any right or remedy now exercisable for the enforcement of any mortgage or other security of a like nature made or entered into for the purpose of securing bonds or debentures of any corporation, but the holders of any such bonds or debentures, and any trustee for them, or the mortgagee named in any

Section 5 sets out the manner in which application may be made.

Section 6 is the same as Section 3 of 1932 Act.

Section 7 provides that this Act does not apply to mortgages, etc., made after March 4th 1932, or to any proceedings or Acts of a mortgagee in possession prior to that date.

Section 8 is the same as subsection 2 of Section 4 of 1932 Act.



such mortgage as trustee or otherwise shall have and may exercise any such right or remedy whether the same is conferred by the general law or acquired under any such mortgage or other security as fully and effectually as if this Act had not been passed.

Powers of  
judge on  
application.

**9.**—(1) On any application made under this Part the judge may grant leave applied for, or if he is of the opinion that time should be given to the person liable to make any payment, the judge may, in his absolute discretion, after considering all the circumstances of the case and the position of all the parties, by order refuse to permit the exercise of any right or remedy or may stay execution or postpone any forfeiture as the case may be, for such time and subject to such conditions as he thinks fit.

Service of  
notices.

(2) The judge may give directions as to the service of notice of the hearing of the application upon any person whom he deems a proper party to the proceedings, and may adjourn the hearing for that purpose, or he may dispense with service of the notice of the application upon any party who appears to have abandoned his interest in the property if the judge considers that service of the notice would occasion useless or unnecessary expense or delay.

Evidence  
on  
application.

**10.** It shall not be necessary to support any such application by affidavit or other evidence, except such evidence, if any, as may be necessary to show the nature and extent of the relief required, but if any contest arises between the parties the judge to whom the application is made may make such requirements or give such directions as to evidence on the part of any party as the judge may deem proper.

Terms of  
order.

**11.** The order may provide for the giving of any undertaking or the deposit in court or otherwise of any security, or the appointment of a receiver or the granting of an injunction.

Costs.

**12.** The costs of the application shall be in the discretion of the judge, who shall fix the amount of the same, and by whom they shall be paid, and he may direct that they be added to the mortgage or other debt, but in the case of any mortgage or other contract on which there is owing less than \$3,000, the costs shall not be fixed at a greater amount than \$15.

Order of  
judge at  
trial.

**13.** Where an action or other proceeding has been taken in court upon a mortgage or contract to which sections 4 and 5 apply, upon the trial of any issue arising in the action or proceedings, the judge, whether an application or order has or has not been made, as provided by sections 4 and 5, may exercise the discretion and make the order provided by those sections or by section 9.



Section 9 is the same as Section 5 of 1932 Act.

Section 10 is the same as Section 6 of 1932 Act.

Section 11 is the same as Section 7 of 1932 Act.

Section 12 is the same as Section 8 of 1932 Act.

Section 13 is the same as Section 10 of 1932 Act except changes in reference to section numbers made necessary by this Bill.

Application  
of Act.

**14.** The provisions of this Act shall apply to any actions or proceedings which are taken in any court of Ontario, notwithstanding that the lands in question in the action are situate without Ontario or the agreement or mortgage or other contract was made and entered into outside Ontario.

## PART II.

### DEFAULT IN PAYMENT OF INTEREST, TAXES, INSURANCE, ETC.

Application  
of Part II.

**15.** The provisions of this Part shall only apply to a mortgage, contract or agreement for sale or purchase, or a renewal or extension thereof of any land or any interest therein, where,—

Mortgagor  
to reside  
on premises.

(a) the mortgagor, purchaser, or any other person liable to make payments thereunder, owns, resides upon and occupies the land or premises covered by such mortgage, contract, agreement or renewal or extension thereof;

Mortgages,  
etc., made  
prior to  
March 4th,  
1932, and  
renewals.

(b) such mortgage, agreement or contract has been made or entered into prior to the 4th day of March, 1932, or any renewal or extension thereof within the provisions of section 37.

Default in  
interest,  
etc.

(c) default has been made in the payment of interest, rent, taxes, insurance or any other disbursements by any such mortgagor, purchaser or any other person liable to make such payments under such mortgage, contract, agreement or extension or renewal thereof.



Application  
of section.

(d) The provisions of this section shall only extend and apply to land upon which there is erected

(i) a one or two-family dwelling house owned by such mortgagor, purchaser or other person within the meaning of this section and in which he resides;

(ii) any building owned by such mortgagor, purchaser or other person within the meaning of this section in which he carries on exclusively a retail business or petty trade and which in addition contains one or two self-contained apartments in one of which apartments he resides; and to

Section 14 is the same as Section 13 of 1932 Act.

## PART II

Part II is new and is an extension of the 1932 Act, dealing with cases under certain mortgages, etc., where there has been default in payment of interest, rent, taxes and insurance:

Section 15 limits the provisions of this Part,—

- (a) where the mortgagor, purchaser or other person liable to make payments of interest, etc., *owns, resides upon and occupies the land and premises.*
- (b) to mortgages, agreements, etc., made prior to the 4th of March, 1932, and renewals thereof made after that date.
- (c) where default has been made in payment of interest, taxes, rent, insurance or other disbursements.
- (d) Only applies to a one or two-family dwelling, a farm and a building where the mortgagor resides and carries on business.

- (iii) farm land which shall be deemed to include land used for general farming, dairying, fruit farming, market gardening, poultry raising or any other agricultural purpose and upon which such mortgagor, purchaser or other person resides.

Issue of writ or notice of sale proceedings not interfered with.

**16.**—(1) Nothing in this Act shall prevent any mortgagee or vendor, his assignee or personal representative, whether in possession or not, from commencing any action or proceeding to enforce any remedies he may have under any mortgage, contract, agreement, or any renewal or extension thereof for the recovery of arrears of interest, rent, taxes, insurance or any other disbursements which may be due and owing thereunder, but such action or proceeding shall not where an application has been made under the provisions of section 17 continue and in such case no further proceedings of any kind shall be taken except as hereinafter provided.

Service of Notice in lieu of action, etc.

(2) A mortgagee or vendor, his assignee or personal representative may, instead of commencing an action or proceeding serve notice (Form 1) upon any mortgagor, purchaser or any person liable under any such mortgage, contract or agreement or renewal or extension thereof, either personally or by registered letter at his last known place of address.

Relief to mortgagor etc., either before or after writ issued.

**17.** Before any action or proceeding has been taken as provided by subsection 1 of section 16, or if such action or proceeding has been taken or any notice (Form 1) has been given as provided for in subsection 2 of section 16, any mortgagor, purchaser or other person within the provisions of section 15, who is unable to pay his interest, rent, taxes, insurance or any other disbursements upon any mortgage, contract, agreement or any renewal or extension thereof, if served with any writ or process or with a notice (Form 1) may within ten days of such service, or if served with any writ or process between the 1st day of January, 1933, and the date of the passing of this Act within fifteen days of the passing of this Act and if not so served, at any time may apply for relief in the manner following:

Application to be made to mortgagee.

- (i) He shall first make an application to the mortgagee, or vendor; his assignee or personal representative, or his duly authorized agent or solicitor, as the case may be. Such application shall be in writing, duly verified under oath and shall set out such particulars and in such form as may be prescribed by the regulations under this Act, together with such other evidence as may be deemed necessary for a proper consideration of all the circumstances of the case;

Section 16.—(1) The right of a mortgagee, vendor, his assignee or personal representative to take action by way of writ or serving notice of sale proceedings, is not interfered with.—*but no further proceedings can be taken except as provided by this Bill.*

Subsection (2). To prevent the issuing of writs, notice may be given in the form prescribed, notifying the mortgagor if he does not make application within ten days that action will proceed.

Section 17. The mortgagor or purchaser who seeks relief should have the onus placed upon him to justify any application for relief. This section provides machinery under which he may proceed. If he desires relief, he can, before any proceedings are taken, or within ten days after any proceedings have been taken or notice (Form 1) has been given, avail himself of the machinery set up in this section.

Provision is also made for an applicant to make application where he has been served with process between the 1st day of January, 1933, and the passing of this Act.

Section 17 (i). The mortgagor, etc., shall first make application to the mortgagee, etc., and produce an affidavit setting out the particulars of his case in such form as is prescribed by the regulations made pursuant to this Bill.

*Note:—*The great majority of mortgagees and vendors are reasonable, and it is thought that many cases will be satisfactorily adjusted under this procedure.

Failure on  
application  
to  
mortgagee.

- (ii) If no satisfactory agreement is made upon any such application or if default has occurred in any such agreement made the mortgagee or vendor, his assignee or personal representative as the case may be, shall forthwith notify the applicant in writing by registered letter at his last known place of address, or by personal service, and such applicant may then, within ten days of such service or the receipt of such notice, apply *ex parte* to the judge for an appointment to hear the case, and shall give two days' notice in writing to the mortgagee, vendor, assignee or personal representative as the case may be, of such application;

Right to  
apply to  
the Judge  
for a  
hearing.

Proviso.

Provided that where the applicant has not been notified promptly, any action or proceeding commenced shall be *ipso facto* stayed until he is so notified, in which case the provisions of this Part shall apply;

Evidence  
before  
judge on  
application  
for a  
hearing.

- (iii) Before the judge shall grant any appointment for a hearing, the applicant shall,—

Satisfy  
judge no  
arrangement  
with  
mortgagee.

- (a) satisfy the judge that he has complied with the provisions of paragraph (i) of this section and has failed to make any satisfactory adjustment or agreement;

File  
material.

- (b) produce and file the material used on such application or certified copies thereof;

File  
affidavit of  
particulars.

- (c) produce and file an affidavit setting out such particulars, and in such form as may be prescribed by the Regulations under this Act, together with such other evidence as the judge may deem necessary to disclose the position of the applicant and the nature and extent of the relief required.

Where  
application  
made,  
proceedings  
stayed.

**18.** In all cases where an action or other proceeding has been commenced or a notice (Form 1) has been given and an application has been made under the provisions of section 17 of this Act, such action or proceeding shall, *ipso facto*, be stayed pending the final disposition of such application, and in all other cases, no action or proceeding shall be taken pending the final disposition of any application.

Order  
where *prima  
facie* case  
not made  
out.

**19.** Where upon any application made to the judge under the provisions of section 17 of this Act, he is of the opinion that the applicant has not made out a *prima facie* case for relief, he may refuse such application, and in such cases



Section 17 (ii). Where no satisfactory adjustment has been reached between the parties on the application, or if default has been made in any agreement the mortgagee shall notify the mortgagor, etc., *who is given the right within ten days of such notice to apply to the judge ex parte for an appointment to hear his application for relief.*

The Proviso makes it clear that failure to notify the applicant promptly proceedings are stayed.

Section 17 (iii) provides that the applicant on his application to the judge for a hearing,—

- (a) Shall satisfy the judge that he has made application to the mortgagee but has failed to obtain relief;
- (b) Shall produce and file the material used on such application to the mortgagee;
- (c) Shall produce and file an affidavit setting out the particulars and in such form as is prescribed by the Regulations made pursuant to this Bill, together with such other evidence as may be required; and shall make out a *prima facie* case which would warrant a hearing.

*Note:—*This creates no hardship on a mortgagor. It gives him the right to lay the facts of his case fully before the judge. It may be, in many cases, the judge finds that there are no just grounds to warrant a hearing and many cases will be settled in this manner.

Section 18. In all cases where application has been made, all actions that have been commenced are stayed, and no further proceedings shall be taken until the application has been finally disposed of.

Section 19. This section gives power to the judge, where a *prima facie* case has not been made out, to refuse the application for relief and a hearing, and in such cases, proceedings continue.



where an action or other proceeding has been commenced such action or other proceeding may continue, and in all other cases any action or proceeding may be taken and no further application shall be made.

Directions  
by judge  
when a  
hearing  
granted.

**20.** Where upon any application made under the provisions of section 17, the judge is of the opinion that the applicant has made out a *prima facie* case and would be entitled to relief, he shall forthwith grant an appointment for a hearing, and in such case shall give directions as to the service of the appointment upon any person whom he deems a proper party to the proceedings; provided, however, that all such appointments be served not less than ten days before the date of the hearing.

Giving  
notices of  
hearing.

**21.** The judge may adjourn any hearing for the purpose of giving notice to any person who may be deemed to be a proper party to the proceedings, and if he considers that service of the notice would occasion useless or unnecessary expense or delay, may dispense with service of the notice of the hearing upon any party who appears to have abandoned his interest in the property.

Order of  
judge on  
hearing.

**22.—(1)** On any hearing, if the judge is of opinion that the applicant is entitled to relief, he may, after considering all the circumstances of the case, and the position of the parties, order:—

Where  
no  
proceedings  
taken.

- (i) Where no proceedings have been taken or notice (Form 1) has been given,

Relief  
not  
exceeding  
six months

- (a) that the applicant except as ordered by the judge as hereinafter provided be relieved from making any payments to the mortgagee, or vendor, his assignee or personal representative for a period not exceeding six months;

After six  
months  
monthly  
payments  
by way of  
rent.

- (b) that from and after the expiration of such six months or such period within the six months as the judge may determine, the applicant shall for a period not exceeding six months pay in advance to such person or persons as the judge may determine, by way of rent, monthly payments based upon at least seventy-five per centum of the yearly aggregate amount of the interest, taxes and insurance due in any year;

Section 19. The amendment made to this section makes it clear that where the Judge refuses the application no further application shall be made.

Section 20 gives power to the judge where a *prima facie* case has been made out on the application, to order a hearing and to fix a day for the same, and to give directions as to services of notice of the hearing on all parties he deems proper. Ten days' notice shall be given of the hearing.

Section 21. Power is given the judge to adjourn and give further directions as to service of any notice of the hearing to any parties he deems necessary.

Section 22 provides what order the judge may make,—

(i),—*where no proceedings have been taken*,—

(a),—the applicant may be relieved from making any payments to the mortgagee for a period not exceeding six months, or such period within the six months as the judge may determine.

(b),—after the expiration of the six months or such period as the judge may determine he shall pay in advance by way of rent, monthly payments based upon at least seventy-five per centum of the yearly aggregate amount of interest, taxes, and insurance due in any year. The order for payments is limited to six months.

Applicant  
not to sell  
goods  
without  
consent of  
mortgagee  
or judge.

(c) that the applicant shall not in any manner sell, mortgage, encumber or in any way dispose of any of his goods and chattels without the consent of the mortgagee or the judge;

Failure to  
comply  
with terms  
of order.

(d) that failure on the part of the applicant to comply with the terms of the order, the mortgagee or vendor, his assignee or personal representative may exercise any rights he has under his mortgage, agreement, contract or extension or renewal thereof, as the case may be.

Order where  
action or  
proceedings  
taken.

(ii) where an action or other proceedings have been taken, in addition to the provisions of any order made under this section, that such action or other proceedings be stayed, provided however if the terms of the order as to any monthly payments are not complied with, such action or other proceedings may continue and shall be deemed to have commenced as and from the date of the failure to comply with the terms of such order, and not from the date when the action or other proceedings were taken.

Proviso—  
Judge may  
order  
payment  
within six  
months  
period.

(2) Provided, however, that nothing herein shall prevent the judge in proper cases where he is of the opinion that the applicant can pay by way of rent, monthly payments in such reasonable amounts and to such persons as he may determine during such six months period, to order that such payments be made.



Extension  
of order.

(3) Any order made under the provisions of this section, may be extended for a further period not exceeding six months, upon application made to the judge within five days from the expiry of any order and upon five days' notice to all proper parties.



No costs  
on hearing  
or  
application.

**23.** No costs shall be allowed by the judge on any hearing, and no fees, including law stamps, of any kind shall be collected from any person upon any application or hearing, provided that nothing herein shall affect the right of a solicitor to collect fees as between solicitor and client.

Applicant  
may  
conduct  
proceedings.

**24.** Any applicant may prepare his own material, and appear and conduct his case personally and without counsel if he so desires.

Hearings.

**25.** Hearings shall be in camera and shall be held by the judge in his chambers.

(c),—he shall not sell or dispose of his goods without leave of the mortgagee or judge,

(d),—Failure to make payments and comply with the order, the mortgagee, etc., may exercise any rights he has.

(ii) *Where proceedings have been taken,—*

In addition to the above, the order shall stay proceedings, but if the terms of the order are not carried out, the proceedings continue, and shall be deemed to continue, from the date of the default in the order.

Where a proper case has been made out under the Bill,—a period not exceeding six months is considered not to be an unreasonable length of time to postpone payments due, and gives the mortgagor an opportunity to arrange his affairs,—nor is it considered unreasonable to order, after the expiration of the six months, if the mortgagor desires to remain on the premises, that he should at least pay something by way of rent for use and occupation,—as the mortgagee must also be protected,—as he possibly is as much in need of his income (probably more so), than is the mortgagor—so that the result of such order is that both mortgagor and mortgagee are considered; also, it is not unreasonable that if the applicant can pay something within reason in the six months period, by way of rent, he should do so.

Subsection (2). The judge may in proper cases, where he is of opinion that the applicant can pay by way of rent, monthly payments in reasonable amounts, order payment within the six months' period.

Subsection (3). An extension of the order made may be granted for a further period not exceeding six months.

Section 23 provides that there shall be no costs or fees on any application or hearing but does not prevent a solicitor collecting fees as between solicitor and client.

Section 24. Any applicant may conduct his case in person without counsel if he so desires.

Section 25. Hearings shall be held in Judge's Chambers and in camera.

Dispossession  
in certain  
cases after  
Jan. 1st, 1933

**26.**—(1) The provisions of this Part shall extend and apply to an action or proceeding taken after the 1st day of January, 1933, upon any mortgage, contract, agreement for sale or purchase of land made prior to the 4th day of March, 1932, or any extension or renewal thereof, which has resulted in any mortgagor, purchaser, or any other party liable thereunder, who owned, resided upon and occupied such land, being dispossessed of the lands affected, by any mortgagee, vendor, his assignee or personal representative, who is in possession of the said lands; and in all such cases, notwithstanding the provisions of section 17, any such mortgagor, purchaser or other party may within 15 days after the passing of this Act make an application for relief to the Judge.

*Bona fide*  
transfers to  
third parties  
not affected.

(2) The provisions of this Part shall not extend or apply to any action or proceeding mentioned in subsection 1 hereof, where an actual transfer or change of ownership in the said lands to a *bona fide* purchaser for value has been effected.



Actions on  
the  
covenant.

**27.** Any action or proceeding against any person liable as principal or guarantor or otherwise upon any covenant or agreement as principal or guarantor or otherwise, whether express or implied under any mortgage, contract or agreement for sale or purchase, or a renewal or extension thereof of any land or any interest therein coming within the provisions of this Part shall, *ipso facto*, be stayed pending the final disposition of any application and during the period in which relief has been granted under this Part.

**28.** Any application made under this Part may be made to the judge of the county or district in which the land is situate.

**29.** The provisions of this Part shall not apply to a corporation which is a mortgagor.



### PART III.

#### GENERAL PROVISIONS APPLICABLE TO BOTH PARTS I AND II.

Reviewing  
varying  
order.

**30.** An order made under this Act may, if subsequent circumstances render it just so to do, on ten days' notice to all proper parties, be suspended or discharged or otherwise varied or altered upon application to the judge.

Powers  
under Act  
to be  
additional.

**31.** The powers conferred by this Act shall be in addition to and not in derogation of any other powers of the judge.

Rules.

**32.** The powers of the Supreme Court to prescribe rules shall apply to the making of rules for carrying into effect the provisions of this Act and for regulating the practice and

Section 26. (1) Applies to dispossessions after January 1st, 1933, where the mortgagee, etc. in possession.

(2) Transfers after January 1st, 1933, to third parties for value not affected.

Section 27. Actions on the covenant stayed pending final disposition of application.

Section 28. Applications may be made to the judge of the county or district in which land is situate.

Section 29. Part II does not apply to corporations.

### PART III

#### GENERAL PROVISIONS APPLICABLE TO BOTH PARTS I AND II

Section 30. The same as Section 9 of the 1932 Act and permits any order made to be reviewed or varied, suspended or discharged if subsequent circumstances justify such action, on proper notice.

Section 31. The same as Section II of the 1932 Act. The powers conferred are to be in addition to any other powers of the judge.

Section 32. The same as Section 12 of the 1932 Act. Powers of Supreme Court to prescribe Rules applies.



procedure under it where the same are not regulated by the existing rules.

Proceedings where moneys paid into Court or tender is made.

**33.** Where, after any action or other proceeding has been commenced, and such principal, interest, rent, taxes or other disbursements are paid into Court or tendered to the mortgagee, vendor, assignee or personal representative, such action or other proceeding shall not be continued without an order of the judge granted upon an application to him upon originating notice in accordance with the practice of the Supreme Court, except that in the case of money being paid into Court, the plaintiff shall, if he so elects, have the right to take the money out of Court and abandon his action; or in the case of money being tendered him, he shall, if he so elects, have the right to take the same and abandon his action, and such plaintiff shall be entitled to such reasonable costs as the judge may allow.

No action or proceeding by sheriff on execution against land except by leave of judge.

**34.—**(1) No sheriff or other person shall take any action or proceeding under the provisions of *The Execution Act* or otherwise upon any execution against the land of a mortgagor, purchaser or any other person liable to make payments under any mortgage, contract or agreement for the sale or purchase of any land or any interest therein made or entered into prior to the 4th day of March, 1932, or any renewal or extension thereof except by leave of the judge granted upon application as provided in Part I of this Act, the provisions of which Part shall apply.

Application of section.

(2) The provisions of this section shall only apply to land or any interest therein which is set out in any mortgage, contract or agreement or renewal or extension thereof to which the provisions of this Act applies.

Power to make Regulations.

**35.** The Lieutenant-Governor in Council may make Regulations,—

- (a) prescribing the particulars and the form thereof to be furnished by an applicant for relief under the provisions of this Act;—
- (b) generally for the better carrying out of the provisions of this Act.

Duration of Act.

**36.** The Lieutenant-Governor in Council may at any time terminate the operation of this Act or provide that this Act shall have effect subject to such limitations as may be contained in the Order-in-Council, but, subject to the operation of such Order-in-Council this Act shall have effect as and



Section 33 provides for cases where moneys due have been paid into court or a tender made.

Section 34 (1) provides that no proceedings shall be taken by a sheriff or other person under execution for sale of land without leave of the judge.

(2) limits this section to land actually covered by such mortgage not other land.

Section 35 gives power to make regulations prescribing form of particulars to be given.

Section 36 provides that the Lieutenant-Governor in Council may terminate, or limit the Act, and subject to such Order, the Act shall be effective from the 1st of January, 1933, and remain in force until thirty days from the close of the next session of the Legislature.

from the 1st day of January, 1933, and shall remain in force until after the expiration of thirty days from the close of the next Session of the Legislature.



Application  
of Act as to  
renewals.

**37.** The provisions of this Act shall extend and apply to any renewal or extension of any mortgage, contract or agreement for sale or purchase of land or any interest therein made prior to the 4th day of March, 1932, provided that such renewal or extension is made prior to that date, and shall extend and apply to any renewal or extension of any such mortgage, contract or agreement for sale or purchase of land, if such renewal or extension is made after the 4th day or March, 1932, and is for a period of less than three years, or for three years and over and the rate of interest has been increased.

Action for  
repayment  
under wills  
and trust  
deeds where  
moneys  
invested in  
mortgages  
not to  
continue  
without  
leave of  
judge.

**38.**—(1) Where an executor or trustee has invested trust and estate moneys in any mortgage on land or any interest therein prior to the 4th day of March, 1932, pursuant to the terms of any will or trust deed which provides for the repayment of such moneys to any settlor or other person, or the payment of any legacy, and such moneys require to be realized from such mortgages, where an action or proceeding has been taken to enforce payment of the same, such action or proceeding shall not continue and no further proceedings shall be taken except by leave of the judge granted upon application as provided in Part I of this Act, the provisions of which Part shall apply.

Trustee  
includes  
Public  
Trustee.

(2) Where the word "Trustee" occurs in this section it shall include the Public Trustee.



1932, c. 49,  
repealed.

**39.** *The Mortgagors' and Purchasers' Relief Act, 1932*, is repealed.

Section 37 makes clear that the provisions of the Act apply to all renewals and extensions made prior to the 4th day of March, and only to renewals and extensions made after that date when such renewal or extension is for a period of less than three years, or a period of three years and over and the rate of interest is increased.

This is in accordance with the provisions of the 1932 Act.

Section 38. Actions against executors and trustees who have invested moneys in mortgages under trust deeds and wills and who must look to such mortgages to pay any demands made, cannot be proceeded with without the consent of the judge.

# FORM 1 NOTICE TO MORTGAGOR

(Referred to in Subsection 2 of Section 16)

To.....  
(Name of mortgagor, purchaser or other person liable to make payments  
under mortgage or agreement.)

TAKE NOTICE, that you have made default in payment under a certain  
.....  
(Mortgage, agreement, or as the case may be)  
dated the.....day of....., 19....  
by failing to pay.....  
(Set out default in principal, and amount due in each year)  
.....  
(Set out default in interest, and amount due in each year)  
.....  
(Set out default in taxes, and amount due in each year)  
Amounting in all to.....\$.....

This Notice is given to you pursuant to the provisions of *The Mortgagors' and Purchasers' Relief Act, 1933*, and you have the right within ten days of the service of this notice to apply to the undernamed mortgagee for relief with respect to your default in the following manner:

Your application shall be in the form of an affidavit as prescribed by the Act, and you may obtain copies of such form from the Clerk or the (County or District) Court.

Upon receipt of such affidavit, the undernamed mortgagee will give consideration to your application for relief, with a view to arriving at a mutually satisfactory agreement for payment of the above amount, or for an extension of time.

In the event that no such agreement can be made, a notice to that effect will be sent you by the undernamed mortgagee, and in that case you will have the right within ten days to apply to a judge under the provisions of *The Mortgagors' and Purchasers' Relief Act, 1933*.

If you fail to apply to the undernamed mortgagee and file with him your affidavit within ten days of the service upon you of this notice, proceedings may be instituted for sale or foreclosure, or otherwise, under the said mortgage as if *The Mortgagors' and Purchasers' Relief Act, 1933*, had not been passed.

Dated this.....day of.....19....

.....  
(Name of Mortgagee)



BILL

The Mortgagees' and Purchasers'  
Relief Act, 1933.

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*1st Reading*

March 8th, 1933

*2nd Reading*

March 21st, 1933

*3rd Reading*

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MR. PRICE (Parkdale)

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*(Reprinted as amended in Committee of the  
Whole House)*

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

The Mortgagors' and Purchasers' Relief Act, 1933.

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MR. PRICE (Parkdale)

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No. 49

1933

# BILL

## The Mortgagors' and Purchasers' Relief Act, 1933.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Mortgagors' and Purchasers' Relief Act, 1933*.

Interpretation      **2.** In this Act,—

"Judge"      (a) "Judge" shall mean the Master in the County of York and in any other County or District, the local judge of the Supreme Court;

"Action or proceeding"      (b) "Action or proceeding" shall mean and include proceedings by way of foreclosure, or sale under power of sale, execution on any judgment or order of any court, distress, forfeiture, judgment or order for possession, or any other judgment or order of any court or otherwise, relating to any mortgage, contract, agreement for sale or purchase of land, or any interest therein, or any renewal or extension thereof.

### PART I.

#### DEFAULT IN PRINCIPAL.

Application of Part I default in principal only.      **3.** The provisions of this Part shall only apply to a mortgage, contract, agreement for sale or purchase of land or any interest therein, or any renewal or extension thereof, where,—

Mortgages made prior to March 4th, 1932, and renewals.      (a) Such mortgage, agreement, or contract, has been made or entered into prior to the 4th day of March, 1932, or any renewal or extension thereof.

Interest, etc., paid but default in principal.      (b) All interest, rent, taxes, insurance or any other disbursements have been paid, but default has been

## EXPLANATORY NOTES

The 1932 Act provided in effect that if interest, taxes, insurance and other disbursements due, had been paid, but there was default in payment of principal,—no action could be taken to enforce the provisions of any mortgage, etc., made before the 4th day of March, 1932; nor could any proceedings that had been taken between the 1st day of February, 1932, and March 4th, 1932, be continued without leave of a judge.

This Bill, repeals the 1932 Act, re-enacts the above mentioned provisions and applies to mortgages, etc., executed prior to the 4th of March, 1932.

This Bill extends relief only to *a mortgagor or purchaser who resides upon, owns and occupies the land or premises covered by the mortgage, etc.*, in respect to payments of interest.

*The Act is divided into three Parts.*

## PART I

Section 2 defines judge and action or proceeding;

Section 3 limits the provisions of this Part to all mortgages, agreements or contracts for the sale of land or any renewals or extensions thereof,—

(a),—made prior to the 4th of March, 1932, and renewals thereof.

(b),—where all interest, etc., has been paid but where default has been made in payment of principal;

made in the payment of principal or any instalment thereof.

Proceedings  
not to be  
taken  
without  
leave.

Foreclosure  
sale, etc.

4.—(1) No person shall,—

(a) take or continue any action or proceeding by way of foreclosure or sale or otherwise, or proceed to execution on or otherwise to the enforcement of, any judgment or order of any Court, for the recovery of principal money secured by any mortgage of land or any interest therein made or executed prior to the 4th day of March, 1932.

Exercise  
of power  
of sale,  
possession,  
etc.

(b) take or continue any action or proceeding under any power of sale, or levy any distress, or take, resume or enter into possession of any land or interest therein for the recovery of principal money under any power contained in a mortgage of land, or of any interest therein, executed prior to the 4th day of March, 1932.

Forfeiting  
purchase  
money or  
deposit.

(c) declare or take advantage of the forfeiture of any land or of any right or interest acquired therein or of any sum of money paid for or on account of the purchase money of such land or of any interest therein, or by way of deposit or otherwise, under the terms of a contract for sale or purchase made or entered into prior to the 4th day of March, 1932.

Proceedings  
against  
mortgagor,  
etc.,  
personally.

(d) take or continue any action or proceeding for the recovery of any part of the principal money secured by mortgage or payable as part of the purchase money of any land or any interest therein payable by the purchaser or mortgagor or by any other person as principal or guarantor or otherwise upon any covenant or agreement as principal or guarantor or otherwise, whether express or implied, made or entered into prior to the 4th day of March, 1932, or enforce by execution or other process any judgment obtained in respect of any such covenant or agreement:

Leave  
required.

Except by leave of a judge granted upon application as hereinafter provided; provided also that any action or proceeding whether in or out of Court which has been taken since the 1st day of February, 1932, may, upon leave of the Judge, as provided by this Act, be continued.



Applies to  
a mortgage  
of a mortgage

(2) The provisions of this section shall extend and apply *mutatis mutandis*, to a mortgage of a mortgage of land or any

Section 4 (1) is the same as clauses *a* to *d* of subsection 2 of section 2 of the 1932 Act, with necessary changes as to dates;

Subsection 2 makes clear that a mortgage of a mortgage or an agreement for sale and purchase of land has the protection given by the Act to the original mortgagor or purchaser, as he may be dependent upon the payment of the original mortgagor to make payments to the new mortgagee.

interest therein, and to a contract for sale or purchase of a mortgage, or of a contract for sale or purchase of land or any interest therein made prior to the 4th of March, 1932.



Application.

5. The application shall be made to the judge upon originating notice in accordance with the practice of the Supreme Court.

Forfeiture  
not to take  
effect until  
order made.

6.—(1) Subject to the provisions hereinafter contained, no forfeiture of any interest acquired under a contract for the sale or purchase of land or any interest therein, given, made or entered into prior to the 4th day of March, 1932, shall take effect or be deemed to have taken effect until after an order made by a judge as provided for in sections 4 and 5.

Postpone-  
ment of  
mortgage  
payments  
not to affect  
agreement  
for partial  
discharges.

(2) Subject to the provisions hereinafter contained, no principal money secured or payable by any mortgage of or contract for the purchase or sale of land, made or entered into prior to the 4th day of March, 1932, shall be deemed to be due or in default so as to affect or make inoperative any provisions therein for discharging, releasing or conveying any portion or portions of the land thereunder in accordance with the terms or provisions therefor in such mortgage or contract contained, the operation of such provisions being hereby extended so long as the payment of such principal is not enforceable under the provisions of this Act; provided, however, that should the vendor or mortgagee claim a readjustment of the amount to be paid for a discharge, release or conveyance of one or more portions in order to ensure sufficient security for the amount of principal remaining unpaid, upon failure to agree thereon such claim shall be settled by the Judge.

Exceptions.

7. Subject to the provisions hereinafter contained, sections 3, 4, 5 and 6 of this Act shall not apply to,—

Not to  
apply to a  
mortgage or  
agreement  
made after  
March  
4th, 1932.

(a) any contract for sale or purchase or to any mortgage made or entered into after the 4th day of March, 1932.

To  
mortgagee in  
possession  
after March  
4th, 1932.

(b) any proceedings or act done by a mortgagee in possession or prior to the 4th day of March, 1932, with respect to the land or interest in land of which he is the mortgagee.

Exception  
as to  
mortgage  
to secure  
bonds of  
corporation.

8. Nothing in this Act shall apply to or affect any right or remedy now exercisable for the enforcement of any mortgage or other security of a like nature made or entered into for the purpose of securing bonds or debentures of any corporation, but the holders of any such bonds or debentures, and any trustee for them, or the mortgagee named in any

Section 5 sets out the manner in which application may be made.

Section 6 is the same as Section 3 of 1932 Act.

Section 7 provides that this Act does not apply to mortgages, etc., made after March 4th 1932, or to any proceedings or Acts of a mortgagee in possession prior to that date.

Section 8 is the same as subsection 2 of Section 4 of 1932 Act.



such mortgage as trustee or otherwise shall have and may exercise any such right or remedy whether the same is conferred by the general law or acquired under any such mortgage or other security as fully and effectually as if this Act had not been passed.

Powers of  
judge on  
application.

**9.**—(1) On any application made under this Part the judge may grant leave applied for, or if he is of the opinion that time should be given to the person liable to make any payment, the judge may, in his absolute discretion, after considering all the circumstances of the case and the position of all the parties, by order refuse to permit the exercise of any right or remedy or may stay execution or postpone any forfeiture as the case may be, for such time and subject to such conditions as he thinks fit.

Service of  
notices.

(2) The judge may give directions as to the service of notice of the hearing of the application upon any person whom he deems a proper party to the proceedings, and may adjourn the hearing for that purpose, or he may dispense with service of the notice of the application upon any party who appears to have abandoned his interest in the property if the judge considers that service of the notice would occasion useless or unnecessary expense or delay.

Evidence  
on  
application.

**10.** It shall not be necessary to support any such application by affidavit or other evidence, except such evidence, if any, as may be necessary to show the nature and extent of the relief required, but if any contest arises between the parties the judge to whom the application is made may make such requirements or give such directions as to evidence on the part of any party as the judge may deem proper.

Terms of  
order.

**11.** The order may provide for the giving of any undertaking or the deposit in court or otherwise of any security, or the appointment of a receiver or the granting of an injunction.

Costs.

**12.** The costs of the application shall be in the discretion of the judge, who shall fix the amount of the same, and by whom they shall be paid, and he may direct that they be added to the mortgage or other debt, but in the case of any mortgage or other contract on which there is owing less than \$3,000, the costs shall not be fixed at a greater amount than \$15.

Order of  
judge at  
trial.

**13.** Where an action or other proceeding has been taken in court upon a mortgage or contract to which sections 4 and 5 apply, upon the trial of any issue arising in the action or proceedings, the judge, whether an application or order has or has not been made, as provided by sections 4 and 5, may exercise the discretion and make the order provided by those sections or by section 9.



Section 9 is the same as Section 5 of 1932 Act.

Section 10 is the same as Section 6 of 1932 Act.

Section 11 is the same as Section 7 of 1932 Act.

Section 12 is the same as Section 8 of 1932 Act.

Section 13 is the same as Section 10 of 1932 Act except changes in reference to section numbers made necessary by this Bill.

Application  
of Act.

**14.** The provisions of this Act shall apply to any actions or proceedings which are taken in any court of Ontario, notwithstanding that the lands in question in the action are situate without Ontario or the agreement or mortgage or other contract was made and entered into outside Ontario.

## PART II.

### DEFAULT IN PAYMENT OF INTEREST, TAXES, INSURANCE, ETC.

Application  
of Part II.

**15.** The provisions of this Part shall only apply to a mortgage, contract or agreement for sale or purchase, or a renewal or extension thereof of any land or any interest therein, where,—

Mortgagor  
to reside  
on premises.

- (a) the mortgagor, purchaser, or any other person liable to make payments thereunder, owns, resides upon and occupies the land or premises covered by such mortgage, contract, agreement or renewal or extension thereof;

Mortgages,  
etc., made  
prior to  
March 4th,  
1932, and  
renewals.

- (b) such mortgage, agreement or contract has been made or entered into prior to the 4th day of March, 1932,  
or any renewal or extension thereof;

Default in  
interest,  
etc.

- (c) default has been made in the payment of interest, rent, taxes, insurance or any other disbursements by any such mortgagor, purchaser or any other person liable to make such payments under such mortgage, contract, agreement or extension or renewal thereof.



Application  
of section.

- (d) The provisions of this section shall only extend and apply to land upon which there is erected
- (i) a one or two-family dwelling house owned by such mortgagor, purchaser or other person within the meaning of this section and in which he resides;
  - (ii) any building owned by such mortgagor, purchaser or other person within the meaning of this section in which he carries on exclusively a retail business or petty trade and which in addition contains one or two self-contained apartments in one of which apartments he resides; and to

Section 14 is the same as Section 13 of 1932 Act.

## PART II

Part II is new and is an extension of the 1932 Act, dealing with cases under certain mortgages, etc., where there has been default in payment of interest, rent, taxes and insurance:

Section 15 limits the provisions of this Part,—

- (a) where the mortgagor, purchaser or other person liable to make payments of interest, etc., *owns, resides upon and occupies the land and premises.*
- (b) to mortgages, agreements, etc., made prior to the 4th of March, 1932, and renewals thereof made after that date.
- (c) where default has been made in payment of interest, taxes, rent, insurance or other disbursements.
- (d) Only applies to a one or two-family dwelling, a farm and a building where the mortgagor resides and carries on business.

- (iii) farm land which shall be deemed to include land used for general farming, dairying, fruit farming, market gardening, poultry raising or any other agricultural purpose and upon which such mortgagor, purchaser or other person resides.

Issue of writ or notice of sale proceedings not interfered with.

**16.**—(1) Nothing in this Act shall prevent any mortgagee or vendor, his assignee or personal representative, whether in possession or not, from commencing any action or proceeding to enforce any remedies he may have under any mortgage, contract, agreement, or any renewal or extension thereof for the recovery of arrears of interest, rent, taxes, insurance or any other disbursements which may be due and owing thereunder, but such action or proceeding shall not where an application has been made under the provisions of section 17 continue and in such case no further proceedings of any kind shall be taken except as hereinafter provided.

Service of Notice in lieu of action, etc.

(2) A mortgagee or vendor, his assignee or personal representative may, instead of commencing an action or proceeding serve notice (Form 1) upon any mortgagor, purchaser or any person liable under any such mortgage, contract or agreement or renewal or extension thereof, either personally or by registered letter at his last known place of address.

Relief to mortgagor etc., either before or after writ issued.

**17.** Before any action or proceeding has been taken as provided by subsection 1 of section 16, or if such action or proceeding has been taken or any notice (Form 1) has been given as provided for in subsection 2 of section 16, any mortgagor, purchaser or other person within the provisions of section 15, who is unable to pay his interest, rent, taxes, insurance or any other disbursements upon any mortgage, contract, agreement or any renewal or extension thereof, if served with any writ or process or with a notice (Form 1) may within ten days of such service, or if served with any writ or process between the 1st day of January, 1933, and the date of the passing of this Act within fifteen days of the passing of this Act and if not so served, at any time may apply for relief in the manner following:

Application to be made to mortgagor.

- (i) He shall first make an application to the mortgagee, or vendor, his assignee or personal representative, or his duly authorized agent or solicitor, as the case may be. Such application shall be in writing, duly verified under oath and shall set out such particulars and in such form as may be prescribed by the regulations under this Act, together with such other evidence as may be deemed necessary for a proper consideration of all the circumstances of the case;

Section 16.—(1) The right of a mortgagee, vendor, his assignee or personal representative to take action by way of writ or serving notice of sale proceedings, is not interfered with,—*but no further proceedings can be taken except as provided by this Bill.*

Subsection (2). To prevent the issuing of writs, notice may be given in the form prescribed, notifying the mortgagor if he does not make application within ten days that action will proceed.

Section 17. The mortgagor or purchaser who seeks relief should have the onus placed upon him to justify any application for relief. This section provides machinery under which he may proceed. If he desires relief, he can, before any proceedings are taken, or within ten days after any proceedings have been taken or notice (Form 1) has been given, avail himself of the machinery set up in this section.

Provision is also made for an applicant to make application where he has been served with process between the 1st day of January, 1933, and the passing of this Act.

Section 17 (i). The mortgagor, etc., shall first make application to the mortgagee, etc., and produce an affidavit setting out the particulars of his case in such form as is prescribed by the regulations made pursuant to this Bill.

*Note:—*The great majority of mortgagees and vendors are reasonable, and it is thought that many cases will be satisfactorily adjusted under this procedure.

Failure on  
application  
to  
mortgagee.

- (ii) If no satisfactory agreement is made upon any such application or if default has occurred in any such agreement made the mortgagee or vendor, his assignee or personal representative as the case may be, shall forthwith notify the applicant in writing by registered letter at his last known place of address, or by personal service, and such applicant may then, within ten days of such service or the receipt of such notice, apply *ex parte* to the judge for an appointment to hear the case, and shall give two days' notice in writing to the mortgagee, vendor, assignee or personal representative as the case may be, of such application;

Right to  
apply to  
the Judge  
for a  
hearing.



Proviso.

Provided that where the applicant has not been notified promptly, any action or proceeding commenced shall be *ipso facto* stayed until he is so notified, in which case the provisions of this Part shall apply;

Evidence  
before  
judge on  
application  
for a  
hearing.

- (iii) Before the judge shall grant any appointment for a hearing, the applicant shall,—

Satisfy  
judge no  
arrangement  
with  
mortgagee.

- (a) satisfy the judge that he has complied with the provisions of paragraph (i) of this section and has failed to make any satisfactory adjustment or agreement;

File  
material.

- (b) produce and file the material used on such application or certified copies thereof;

File  
affidavit of  
particulars.

- (c) produce and file an affidavit setting out such particulars, and in such form as may be prescribed by the Regulations under this Act, together with such other evidence as the judge may deem necessary to disclose the position of the applicant and the nature and extent of the relief required.

Where  
application  
made,  
proceedings  
stayed.

**18.** In all cases where an action or other proceeding has been commenced or a notice (Form 1) has been given and an application has been made under the provisions of section 17 of this Act, such action or proceeding shall, *ipso facto*, be stayed pending the final disposition of such application, and in all other cases, no action or proceeding shall be taken pending the final disposition of any application.

Order  
where *prima  
facie* case  
not made  
out.

**19.** Where upon any application made to the judge under the provisions of section 17 of this Act, he is of the opinion that the applicant has not made out a *prima facie* case for relief, he may refuse such application, and in such cases



Section 17 (ii). Where no satisfactory adjustment has been reached between the parties on the application, or if default has been made in any agreement the mortgagee shall notify the mortgagor, etc., *who is given the right within ten days of such notice to apply to the judge ex parte for an appointment to hear his application for relief.*

The Proviso makes it clear that failure to notify the applicant promptly proceedings are stayed.

Section 17 (iii) provides that the applicant on his application to the judge for a hearing,—

- (a) Shall satisfy the judge that he has made application to the mortgagee but has failed to obtain relief;
- (b) Shall produce and file the material used on such application to the mortgagee;
- (c) Shall produce and file an affidavit setting out the particulars and in such form as is prescribed by the Regulations made pursuant to this Bill, together with such other evidence as may be required; and shall make out a *prima facie* case which would warrant a hearing.

*Note*.—This creates no hardship on a mortgagor. It gives him the right to lay the facts of his case fully before the judge. It may be, in many cases, the judge finds that there are no just grounds to warrant a hearing and many cases will be settled in this manner.

Section 18. In all cases where application has been made, all actions that have been commenced are stayed, and no further proceedings shall be taken until the application has been finally disposed of.

Section 19. This section gives power to the judge, where a *prima facie* case has not been made out, to refuse the application for relief and a hearing, and in such cases, proceedings continue.



where an action or other proceeding has been commenced such action or other proceeding may continue.

Directions  
by judge  
when a  
hearing  
granted.

**20.** Where upon any application made under the provisions of section 17, the judge is of the opinion that the applicant has made out a *prima facie* case and would be entitled to relief, he shall forthwith grant an appointment for a hearing, and in such case shall give directions as to the service of the appointment upon any person whom he deems a proper party to the proceedings; provided, however, that all such appointments be served not less than ten days before the date of the hearing.

Giving  
notices of  
hearing.

**21.** The judge may adjourn any hearing for the purpose of giving notice to any person who may be deemed to be a proper party to the proceedings, and if he considers that service of the notice would occasion useless or unnecessary expense or delay, may dispense with service of the notice of the hearing upon any party who appears to have abandoned his interest in the property.

Order of  
judge on  
hearing.

**22.—(1)** On any hearing, if the judge is of opinion that the applicant is entitled to relief, he may, after considering all the circumstances of the case, and the position of the parties, order:—

Where  
no  
proceedings  
taken.

(i) Where no proceedings have been taken or notice (Form 1) has been given,

Relief  
not  
exceeding  
six months

(a) that the applicant except as ordered by the judge as hereinafter provided be relieved from making any payments to the mortgagee, or vendor, his assignee or personal representative for a period not exceeding six months;

After six  
months  
monthly  
payments  
by way of  
rent.

(b) that from and after the expiration of such six months or such period within the six months as the judge may determine, the applicant shall for a period not exceeding six months pay in advance to such person or persons as the judge may determine, by way of rent, monthly payments based upon at least seventy-five per centum of the yearly aggregate amount of the interest, taxes and insurance due in any year;

Section 20 gives power to the judge where a *prima facie* case has been made out on the application, to order a hearing and to fix a day for the same, and to give directions as to services of notice of the hearing on all parties he deems proper. Ten days' notice shall be given of the hearing.

Section 21. Power is given the judge to adjourn and give further directions as to service of any notice of the hearing to any parties he deems necessary.

Section 22 provides what order the judge may make,—

(i),—*where no proceedings have been taken*,—

(a),—the applicant may be relieved from making any payments to the mortgagee for a period not exceeding six months, or such period within the six months as the judge may determine.

(b),—after the expiration of the six months or such period as the judge may determine he shall pay in advance by way of rent, monthly payments based upon at least seventy-five per centum of the yearly aggregate amount of interest, taxes, and insurance due in any year. The order for payments is limited to six months.

Applicant  
not to sell  
goods  
without  
consent of  
mortgagee  
or judge.

- (c) that the applicant shall not in any manner sell, mortgage, encumber or in any way dispose of any of his goods and chattels without the consent of the mortgagee or the judge;

Failure to  
comply  
with terms  
of order.

- (d) that failure on the part of the applicant to comply with the terms of the order, the mortgagee or vendor, his assignee or personal representative may exercise any rights he has under his mortgage, agreement, contract or extension or renewal thereof, as the case may be.

Order where  
action or  
proceedings  
taken.

- (ii) where an action or other proceedings have been taken, in addition to the provisions of any order made under this section, that such action or other proceedings be stayed, provided however if the terms of the order as to any monthly payments are not complied with, such action or other proceedings may continue and shall be deemed to have commenced as and from the date of the failure to comply with the terms of such order, and not from the date when the action or other proceedings were taken.

Proviso—  
Judge may  
order  
payment  
within six  
months  
period.

- (2) Provided, however, that nothing herein shall prevent the judge in proper cases where he is of the opinion that the applicant can pay by way of rent, monthly payments in such reasonable amounts and to such persons as he may determine during such six months period, to order that such payments be made.

Extension  
of order.

- (3) Any order made under the provisions of this section may be extended for a further period not exceeding six months, upon application made to the judge within five days from the expiry of any order, and upon five days' notice to all proper parties.

No costs  
on hearing  
or  
application.

**23.** No costs shall be allowed by the judge on any hearing, and no fees, including law stamps, of any kind shall be collected from any person upon any application or hearing, provided that nothing herein shall affect the right of a solicitor to collect fees as between solicitor and client.

Applicant  
may  
conduct  
proceedings.

**24.** Any applicant may prepare his own material, and appear and conduct his case personally and without counsel if he so desires.

Hearings.

**25.** Hearings shall be in camera and shall be held by the judge in his chambers.

(c),—he shall not sell or dispose of his goods without leave of the mortgagee or judge,

(d),—Failure to make payments and comply with the order, the mortgagee, etc., may exercise any rights he has.

(ii) *Where proceedings have been taken,—*

In addition to the above, the order shall stay proceedings, but if the terms of the order are not carried out, the proceedings continue, and shall be deemed to continue, from the date of the default in the order.

Where a proper case has been made out under the Bill,—a period not exceeding six months is considered not to be an unreasonable length of time to postpone payments due, and gives the mortgagor an opportunity to arrange his affairs,—nor is it considered unreasonable to order, after the expiration of the six months, if the mortgagor desires to remain on the premises, that he should at least pay something by way of rent for use and occupation,—as the mortgagee must also be protected,—as he possibly is as much in need of his income (probably more so), than is the mortgagor—so that the result of such order is that both mortgagor and mortgagee are considered; also, it is not unreasonable that if the applicant can pay something within reason in the six months period, by way of rent, he should do so.

Subsection (2). The judge may in proper cases, where he is of opinion that the applicant can pay by way of rent, monthly payments in reasonable amounts, order payment within the six months' period.

Subsection (3). An extension of the order made may be granted for a further period not exceeding six months.

Section 23 provides that there shall be no costs or fees on any application or hearing but does not prevent a solicitor collecting fees as between solicitor and client.

Section 24. Any applicant may conduct his case in person without counsel if he so desires.

Section 25. Hearings shall be held in Judge's Chambers and in camera.

Dispos-  
sions  
in certain  
cases after  
Jan. 1st, 1933

**26.**—(1) The provisions of this Part shall extend and apply to an action or proceeding taken after the 1st day of January, 1933, upon any mortgage, contract, agreement for sale or purchase of land made prior to the 4th day of March, 1932, or any extension or renewal thereof, which has resulted in any mortgagor, purchaser, or any other party liable thereunder, who owned, resided upon and occupied such land, being dispossessed of the lands affected, by any mortgagee, vendor, his assignee or personal representative, who is in possession of the said lands; and in all such cases, notwithstanding the provisions of section 17, any such mortgagor, purchaser or other party may within 15 days after the passing of this Act make an application for relief to the Judge.

*Bona fide*  
transfers to  
third parties  
not affected.

(2) The provisions of this Part shall not extend or apply to any action or proceeding mentioned in subsection 1 hereof, where an actual transfer or change of ownership in the said lands to a *bona fide* purchaser for value has been effected.

Actions on  
the  
covenant.

**27.** Any action or proceeding against any person liable as principal or guarantor or otherwise upon any covenant or agreement as principal or guarantor or otherwise, whether express or implied under any mortgage, contract or agreement for sale or purchase, or a renewal or extension thereof of any land or any interest therein coming within the provisions of this Part shall, *ipso facto*, be stayed pending the final disposition of any application and during the period in which relief has been granted under this Part.

**28.** Any application made under this Part may be made to the judge of the county or district in which the land is situate.

**29.** The provisions of this Part shall not apply to a corporation.

### PART III.

#### GENERAL PROVISIONS APPLICABLE TO BOTH PARTS I AND II.

Reviewing  
varying  
order.

**30.** An order made under this Act may, if subsequent circumstances render it just so to do, on ten days' notice to all proper parties, be suspended or discharged or otherwise varied or altered upon application to the judge.

Powers  
under Act  
to be  
additional.

**31.** The powers conferred by this Act shall be in addition to and not in derogation of any other powers of the judge.

Rules.

**32.** The powers of the Supreme Court to prescribe rules shall apply to the making of rules for carrying into effect the provisions of this Act and for regulating the practice and

Section 26. (1) Applies to dispossessions after January 1st, 1933, where the mortgagee, etc. in possession.

(2) Transfers after January 1st, 1933, to third parties for value not affected.

Section 27. Actions on the covenant stayed pending final disposition of application.

Section 28. Applications may be made to the judge of the county or district in which land is situate.

Section 29. Part II does not apply to corporations.

### PART III

#### GENERAL PROVISIONS APPLICABLE TO BOTH PARTS I AND II

Section 30. The same as Section 9 of the 1932 Act and permits any order made to be reviewed or varied, suspended or discharged if subsequent circumstances justify such action, on proper notice.

Section 31. The same as Section II of the 1932 Act. The powers conferred are to be in addition to any other powers of the judge.

Section 32. The same as Section 12 of the 1932 Act. Powers of Supreme Court to prescribe Rules applies.



procedure under it where the same are not regulated by the existing rules.

Proceedings where moneys paid into Court or tender is made.

**33.** Where, after any action or other proceeding has been commenced, and such principal, interest, rent, taxes or other disbursements are paid into Court or tendered to the mortgagee, vendor, assignee or personal representative, such action or other proceeding shall not be continued without an order of the judge granted upon an application to him upon originating notice in accordance with the practice of the Supreme Court, except that in the case of money being paid into Court, the plaintiff shall, if he so elects, have the right to take the money out of Court and abandon his action; or in the case of money being tendered him, he shall, if he so elects, have the right to take the same and abandon his action, and such plaintiff shall be entitled to such reasonable costs as the judge may allow.

No action or proceeding by sheriff on execution against land except by leave of judge.

**34.**—(1) No sheriff or other person shall take any action or proceeding under the provisions of *The Execution Act* or otherwise upon any execution against the land of a mortgagor, purchaser or any other person liable to make payments under any mortgage, contract or agreement for the sale or purchase of any land or any interest therein made or entered into prior to the 4th day of March, 1932, or any renewal or extension thereof except by leave of the judge granted upon application as provided in Part I of this Act, the provisions of which Part shall apply.

Application of section.

(2) The provisions of this section shall only apply to land or any interest therein which is set out in any mortgage, contract or agreement or renewal or extension thereof to which the provisions of this Act applies.

Power to make Regulations.

**35.** The Lieutenant-Governor in Council may make Regulations,—

- (a) prescribing the particulars and the form thereof to be furnished by an applicant for relief under the provisions of this Act;—
- (b) generally for the better carrying out of the provisions of this Act.

Duration of Act.

**36.** The Lieutenant-Governor in Council may at any time terminate the operation of this Act or provide that this Act shall have effect subject to such limitations as may be contained in the Order-in-Council, but, subject to the operation of such Order-in-Council this Act shall have effect as and



Section 33 provides for cases where moneys due have been paid into court or a tender made.

Section 34 (1) provides that no proceedings shall be taken by a sheriff or other person under execution for sale of land without leave of the judge.

(2) limits this section to land actually covered by such mortgage not other land.

Section 35 gives power to make regulations prescribing form of particulars to be given.

Section 36 provides that the Lieutenant-Governor in Council may terminate, or limit the Act, and subject to such Order, the Act shall be effective from the 1st of January, 1933, and remain in force until thirty days from the close of the next session of the Legislature.

from the 1st day of January, 1933, and shall remain in force until after the expiration of thirty days from the close of the next Session of the Legislature.



Application  
of Act as to  
renewals.

**37.** The provisions of this Act shall extend and apply to any renewal or extension of any mortgage, contract or agreement for sale or purchase of land or any interest therein made prior to the 4th day of March, 1932, provided that such renewal or extension is made prior to that date, and shall extend and apply to any renewal or extension of any such mortgage, contract or agreement for sale or purchase of land, if such renewal or extension is made after the 4th day or March, 1932, and is for a period of less than three years, or for three years and over and the rate of interest has been increased.

Action for  
repayment  
under wills  
and trust  
deeds where  
moneys  
invested in  
mortgages  
not to  
continue  
without  
leave of  
judge.

**38.**—(1) Where an executor or trustee has invested trust and estate moneys in any mortgage on land or any interest therein prior to the 4th day of March, 1932, pursuant to the terms of any will or trust deed which provides for the repayment of such moneys to any settlor or other person, or the payment of any legacy, and such moneys require to be realized from such mortgages, where an action or proceeding has been taken to enforce payment of the same, such action or proceeding shall not continue and no further proceedings shall be taken except by leave of the judge granted upon application as provided in Part I of this Act, the provisions of which Part shall apply.

Trustee  
includes  
Public  
Trustee.

(2) Where the word "Trustee" occurs in this section it shall include the Public Trustee.



1932, c. 49,  
repealed.

**39.** *The Mortgagors' and Purchasers' Relief Act, 1932*, is repealed.

Section 37 makes clear that the provisions of the Act apply to all renewals and extensions made prior to the 4th day of March, and only to renewals and extensions made after that date when such renewal or extension is for a period of less than three years, or a period of three years and over and the rate of interest is increased.

This is in accordance with the provisions of the 1932 Act.

Section 38. Actions against executors and trustees who have invested moneys in mortgages under trust deeds and wills and who must look to such mortgages to pay any demands made, cannot be proceeded with without the consent of the judge.

FORM 1

NOTICE TO MORTGAGOR

(Referred to in Subsection 2 of Section 16)

To.....  
 (Name of mortgagor, purchaser or other person liable to make payments  
 under mortgage or agreement.)

TAKE NOTICE, that you have made default in payment under a certain  
 .....  
 (Mortgage, agreement, or as the case may be)  
 dated the.....day of....., 19....  
 by failing to pay.....  
 (Set out default in principal, and amount due in each year)  
 .....  
 (Set out default in interest, and amount due in each year)  
 .....  
 (Set out default in taxes, and amount due in each year)  
 Amounting in all to.....\$.....

This Notice is given to you pursuant to the provisions of *The Mortgagors' and Purchasers' Relief Act, 1933*, and you have the right within ten days of the service of this notice to apply to the undernamed mortgagee for relief with respect to your default in the following manner:

Your application shall be in the form of an affidavit as prescribed by the Act, and you may obtain copies of such form from the Clerk or the (County or District) Court.

Upon receipt of such affidavit, the undernamed mortgagee will give consideration to your application for relief, with a view to arriving at a mutually satisfactory agreement for payment of the above amount, or for an extension of time.

In the event that no such agreement can be made, a notice to that effect will be sent you by the undernamed mortgagee, and in that case you will have the right within ten days to apply to a judge under the provisions of *The Mortgagors' and Purchasers' Relief Act, 1933*.

If you fail to apply to the undernamed mortgagee and file with him your affidavit within ten days of the service upon you of this notice, proceedings may be instituted for sale or foreclosure, or otherwise, under the said mortgage as if *The Mortgagors' and Purchasers' Relief Act, 1933*, had not been passed.

Dated this.....day of.....19....

.....  
 (Name of Mortgagee)



BILL

The Mortgagees' and Purchasers'  
Relief Act, 1933.

*1st Reading*

March 8th, 1933

*2nd Reading*

March 21st, 1933

*3rd Reading*

MR. PRICE (Parkdale)

*(Reprinted with suggested amendments for  
Consideration by Committee of  
the Whole House)*

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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## BILL

The Mortgagors' and Purchasers' Relief Act, 1933.

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MR. PRICE (Parkdale)

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No. 49

1933

# BILL

## The Mortgagors' and Purchasers' Relief Act, 1933.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Mortgagors' and Purchasers' Relief Act, 1933*.

Interpretation

2. In this Act,—

"Judge"

(a) "Judge" shall mean the Master in the County of York and in the County of Carleton and in any other County or District, the local judge of the Supreme Court;

"Action or proceeding"

(b) "Action or proceeding" shall mean and include proceedings by way of foreclosure, or sale under power of sale, execution on any judgment or order of any court, distress, forfeiture, judgment or order for possession, or any other judgment or order of any court or otherwise, relating to any mortgage, contract, agreement for sale or purchase of land, or any interest therein, or any renewal or extension thereof.

### PART I.

#### DEFAULT IN PRINCIPAL.

Application of Part I default in principal only.

3. The provisions of this Part shall only apply to a mortgage, contract, agreement for sale or purchase of land or any interest therein, or any renewal or extension thereof, where,—

Mortgages made prior to March 4th, 1932, and renewals.

(a) Such mortgage, agreement, or contract, has been made or entered into prior to the 4th day of March, 1932, or any renewal or extension thereof within the provisions of section 37.

Interest, etc., paid but default in principal.

(b) All interest, rent, taxes, insurance or any other disbursements have been paid, but default has been

made in the payment of principal or any instalment thereof.

4.—(1) No person shall,—

- (a) take or continue any action or proceeding by way of foreclosure or sale or otherwise, or proceed to execution on or otherwise to the enforcement of, any judgment or order of any Court, for the recovery of principal money secured by any mortgage of land or any interest therein made or executed prior to the 4th day of March, 1932. Proceedings not to be taken without leave.  
Foreclosure sale, etc.
- (b) take or continue any action or proceeding under any power of sale, or levy any distress, or take, resume or enter into possession of any land or interest therein for the recovery of principal money under any power contained in a mortgage of land, or of any interest therein, executed prior to the 4th day of March, 1932. Exercise of power of sale, possession, etc.
- (c) declare or take advantage of the forfeiture or take, resume or enter into possession of any land or of any right or interest acquired therein or of any sum of money paid for or on account of the purchase money of such land or of any interest therein, or by way of deposit or otherwise, under the terms of a contract for sale or purchase made or entered into prior to the 4th day of March, 1932. Forfeiting purchase money or deposit.
- (d) take or continue any action or proceeding for the recovery of any part of the principal money secured by mortgage or payable as part of the purchase money of any land or any interest therein payable by the purchaser or mortgagor or by any other person as principal or guarantor or otherwise upon any covenant or agreement as principal or guarantor or otherwise, whether express or implied, made or entered into prior to the 4th day of March, 1932, or enforce by execution or other process any judgment obtained in respect of any such covenant or agreement: Proceedings against mortgagor, etc., personally.

Except by leave of a judge granted upon application as hereinafter provided; provided also that any action or proceeding whether in or out of Court which has been taken since the 1st day of February, 1932, may, upon leave of the Judge, as provided by this Act, be continued. Leave required.

(2) The provisions of this section shall extend and apply *mutatis mutandis*, to a mortgage of a mortgage of land or any Applies to a mortgage of a mortgage

interest therein, and to a contract for sale or purchase of a mortgage, or of a contract for sale or purchase of land or any interest therein made prior to the 4th of March, 1932.

Application.

5. The application shall be made to the judge upon originating notice in accordance with the practice of the Supreme Court.

Forfeiture  
not to take  
effect until  
order made.

6.—(1) Subject to the provisions hereinafter contained, no forfeiture of any interest acquired under a contract for the sale or purchase of land or any interest therein, given, made or entered into prior to the 4th day of March, 1932, shall take effect or be deemed to have taken effect until after an order made by a judge as provided for in sections 4 and 5.

Postpone-  
ment of  
mortgage  
payments  
not to affect  
agreement  
for partial  
discharges.

(2) Subject to the provisions hereinafter contained, no principal money secured or payable by any mortgage of or contract for the purchase or sale of land, made or entered into prior to the 4th day of March, 1932, shall be deemed to be due or in default so as to affect or make inoperative any provisions therein for discharging, releasing or conveying any portion or portions of the land thereunder in accordance with the terms or provisions therefor in such mortgage or contract contained, the operation of such provisions being hereby extended so long as the payment of such principal is not enforceable under the provisions of this Act; provided, however, that should the vendor or mortgagee claim a readjustment of the amount to be paid for a discharge, release or conveyance of one or more portions in order to ensure sufficient security for the amount of principal remaining unpaid, upon failure to agree thereon such claim shall be settled by the Judge.

Exceptions.

7. Subject to the provisions hereinafter contained, sections 3, 4, 5 and 6 of this Act shall not apply to,—

Not to  
apply to a  
mortgage or  
agreement  
made after  
March  
4th, 1932.

(a) any contract for sale or purchase or to any mortgage made or entered into after the 4th day of March, 1932.

To  
mortgagee in  
possession  
after March  
4th, 1932.

(b) any proceedings or act done by a mortgagee in possession or prior to the 4th day of March, 1932, with respect to the land or interest in land of which he is the mortgagee.

Exception  
as to  
mortgage  
to secure  
bonds of  
corporation.

8. Nothing in this Act shall apply to or affect any right or remedy now exercisable for the enforcement of any mortgage or other security of a like nature made or entered into for the purpose of securing bonds or debentures of any corporation, but the holders of any such bonds or debentures, and any trustee for them, or the mortgagee named in any

such mortgage as trustee or otherwise shall have and may exercise any such right or remedy whether the same is conferred by the general law or acquired under any such mortgage or other security as fully and effectually as if this Act had not been passed.

**9.**—(1) On any application made under this Part the judge <sup>Powers of judge on application.</sup> may grant leave applied for, or if he is of the opinion that time should be given to the person liable to make any payment, the judge may, in his absolute discretion, after considering all the circumstances of the case and the position of all the parties, by order refuse to permit the exercise of any right or remedy or may stay execution or postpone any forfeiture as the case may be, for such time and subject to such conditions as he thinks fit.

(2) The judge may give directions as to the service of <sup>Service of notices.</sup> notice of the hearing of the application upon any person whom he deems a proper party to the proceedings, and may adjourn the hearing for that purpose, or he may dispense with service of the notice of the application upon any party who appears to have abandoned his interest in the property if the judge considers that service of the notice would occasion useless or unnecessary expense or delay.

**10.** It shall not be necessary to support any such applica- <sup>Evidence on application.</sup> tion by affidavit or other evidence, except such evidence, if any, as may be necessary to show the nature and extent of the relief required, but if any contest arises between the parties the judge to whom the application is made may make such requirements or give such directions as to evidence on the part of any party as the judge may deem proper.

**11.** The order may provide for the giving of any under- <sup>Terms of order.</sup> taking or the deposit in court or otherwise of any security, or the appointment of a receiver or the granting of an injunction.

**12.** The costs of the application shall be in the discretion <sup>Costs.</sup> of the judge, who shall fix the amount of the same, and by whom they shall be paid, and he may direct that they be added to the mortgage or other debt, but in the case of any mortgage or other contract on which there is owing less than \$3,000, the costs shall not be fixed at a greater amount than \$15.

**13.** Where an action or other proceeding has been taken <sup>Order of judge at trial.</sup> in court upon a mortgage or contract to which sections 4 and 5 apply, upon the trial of any issue arising in the action or proceedings, the judge, whether an application or order has or has not been made, as provided by sections 4 and 5, may exercise the discretion and make the order provided by those sections or by section 9.



Application  
of Act.

**14.** The provisions of this Act shall apply to any actions or proceedings which are taken in any court of Ontario, notwithstanding that the lands in question in the action are situate without Ontario or the agreement or mortgage or other contract was made and entered into outside Ontario.

## PART II.

### DEFAULT IN PAYMENT OF INTEREST, TAXES, INSURANCE, ETC.

Application  
of Part II.

**15.** The provisions of this Part shall only apply to a mortgage, contract or agreement for sale or purchase, or a renewal or extension thereof of any land or any interest therein, where,—

Mortgagor  
to reside  
on premises.

(a) the mortgagor, purchaser, or any other person liable to make payments thereunder, owns, resides upon and occupies the land or premises covered by such mortgage, contract, agreement or renewal or extension thereof;

Mortgages,  
etc., made  
prior to  
March 4th,  
1932, and  
renewals.

(b) such mortgage, agreement or contract has been made or entered into prior to the 4th day of March, 1932, or any renewal or extension thereof within the provisions of section 37.

Default in  
interest,  
etc.

(c) default has been made in the payment of interest, rent, taxes, insurance or any other disbursements by any such mortgagor, purchaser or any other person liable to make such payments under such mortgage, contract, agreement or extension or renewal thereof.

Application  
of section.

(d) The provisions of this section shall only extend and apply to land upon which there is erected

(i) a one or two-family dwelling house owned by such mortgagor, purchaser or other person within the meaning of this section and in which he resides;

(ii) any building owned by such mortgagor, purchaser or other person within the meaning of this section in which he carries on exclusively a retail business or petty trade and which in addition contains one or two self-contained apartments in one of which apartments he resides; and to

- (iii) farm land which shall be deemed to include land used for general farming, dairying, fruit farming, market gardening, poultry raising or any other agricultural purpose and upon which such mortgagor, purchaser or other person resides.

**16.**—(1) Nothing in this Act shall prevent any mortgagee or vendor, his assignee or personal representative, whether in possession or not, from commencing any action or proceeding to enforce any remedies he may have under any mortgage, contract, agreement, or any renewal or extension thereof for the recovery of arrears of interest, rent, taxes, insurance or any other disbursements which may be due and owing thereunder, but such action or proceeding shall not where an application has been made under the provisions of section 17 continue and in such case no further proceedings of any kind shall be taken except as hereinafter provided.

Issue of writ or notice of sale proceedings not interfered with.

(2) A mortgagee or vendor, his assignee or personal representative may, instead of commencing an action or proceeding serve notice (Form 1) upon any mortgagor, purchaser or any person liable under any such mortgage, contract or agreement or renewal or extension thereof, either personally or by registered letter at his last known place of address.

Service of Notice in lieu of action, etc.

**17.** Before any action or proceeding has been taken as provided by subsection 1 of section 16, or if such action or proceeding has been taken or any notice (Form 1) has been given as provided for in subsection 2 of section 16, any mortgagor, purchaser or other person within the provisions of section 15, who is unable to pay his interest, rent, taxes, insurance or any other disbursements upon any mortgage, contract, agreement or any renewal or extension thereof, if served with any writ or process or with a notice (Form 1) may within ten days of such service, or if served with any writ or process between the 1st day of January, 1933, and the date of the passing of this Act within fifteen days of the passing of this Act and if not so served, at any time may apply for relief in the manner following:

Relief to mortgagor etc., either before or after writ issued.

- (i) He shall first make an application to the mortgagee, or vendor, his assignee or personal representative, or his duly authorized agent or solicitor, as the case may be. Such application shall be in writing, duly verified under oath and shall set out such particulars and in such form as may be prescribed by the regulations under this Act, together with such other evidence as may be deemed necessary for a proper consideration of all the circumstances of the case;

Application to be made to mortgagee.

Failure on application to mortgagee.

- (ii) If no satisfactory agreement is made upon any such application or if default has occurred in any such agreement made the mortgagee or vendor, his assignee or personal representative as the case may be, shall forthwith notify the applicant in writing by registered letter at his last known place of address, or by personal service, and such applicant may then, within ten days of such service or the receipt of such notice, apply *ex parte* to the judge for an appointment to hear the case, and shall give two days' notice in writing to the mortgagee, vendor, assignee or personal representative as the case may be, of such application;

Right to apply to the Judge for a hearing.

Proviso.

Provided that where the applicant has not been notified promptly, any action or proceeding commenced shall be *ipso facto* stayed until he is so notified, in which case the provisions of this Part shall apply;

Evidence before judge on application for a hearing.

- (iii) Before the judge shall grant any appointment for a hearing, the applicant shall,—

Satisfy judge no arrangement with mortgagee.

- (a) satisfy the judge that he has complied with the provisions of paragraph (i) of this section and has failed to make any satisfactory adjustment or agreement;

File material.

- (b) produce and file the material used on such application or certified copies thereof;

File affidavit of particulars.

- (c) produce and file an affidavit setting out such particulars, and in such form as may be prescribed by the Regulations under this Act, together with such other evidence as the judge may deem necessary to disclose the position of the applicant and the nature and extent of the relief required.

Where application made,—proceedings stayed.

**18.** In all cases where an action or other proceeding has been commenced or a notice (Form 1) has been given and an application has been made under the provisions of section 17 of this Act, such action or proceeding shall, *ipso facto*, be stayed pending the final disposition of such application, and in all other cases, no action or proceeding shall be taken pending the final disposition of any application.

Order where *prima facie* case not made out.

**19.** Where upon any application made to the judge under the provisions of section 17 of this Act, he is of the opinion that the applicant has not made out a *prima facie* case for relief, he may refuse such application, and in such cases



where an action or other proceeding has been commenced such action or other proceeding may continue, and in all other cases any action or proceeding may be taken and no further application shall be made.

**20.** Where upon any application made under the provisions of section 17, the judge is of the opinion that the applicant has made out a *prima facie* case and would be entitled to relief, he shall forthwith grant an appointment for a hearing, and in such case shall give directions as to the service of the appointment upon any person whom he deems a proper party to the proceedings; provided, however, that all such appointments be served not less than ten days before the date of the hearing.

Directions by judge when a hearing granted.

**21.** The judge may adjourn any hearing for the purpose of giving notice to any person who may be deemed to be a proper party to the proceedings, and if he considers that service of the notice would occasion useless or unnecessary expense or delay, may dispense with service of the notice of the hearing upon any party who appears to have abandoned his interest in the property.

Giving notices of hearing.

**22.—(1)** On any hearing, if the judge is of opinion that the applicant is entitled to relief, he may, after considering all the circumstances of the case, and the position of the parties, order:—

Order of judge on hearing.

(i) Where no proceedings have been taken or notice (Form 1) has been given,

Where no proceedings taken.

(a) that the applicant except as ordered by the judge as hereinafter provided be relieved from making any payments to the mortgagee, or vendor, his assignee or personal representative for a period not exceeding six months;

Relief not exceeding six months

(b) that from and after the expiration of such six months or such period within the six months as the judge may determine, the applicant shall for a period not exceeding six months pay in advance to such person or persons as the judge may determine, by way of rent, monthly payments based upon at least seventy-five per centum of the yearly aggregate amount of the interest, taxes and insurance due in any year;

After six months monthly payments by way of rent.

Applicant  
not to sell  
goods  
without  
consent of  
mortgagee  
or judge.

- (c) that the applicant shall not in any manner sell, mortgage, encumber or in any way dispose of any of his goods and chattels without the consent of the mortgagee or the judge;

Failure to  
comply  
with terms  
of order.

- (d) that failure on the part of the applicant to comply with the terms of the order, the mortgagee or vendor, his assignee or personal representative may exercise any rights he has under his mortgage, agreement, contract or extension or renewal thereof, as the case may be.

Order where  
action or  
proceedings  
taken.

- (ii) where an action or other proceedings have been taken, in addition to the provisions of any order made under this section, that such action or other proceedings be stayed, provided however if the terms of the order as to any monthly payments are not complied with, such action or other proceedings may continue and shall be deemed to have commenced as and from the date of the failure to comply with the terms of such order, and not from the date when the action or other proceedings were taken.

Proviso—  
Judge may  
order  
payment  
within six  
months  
period.

- (2) Provided, however, that nothing herein shall prevent the judge in proper cases where he is of the opinion that the applicant can pay by way of rent, monthly payments in such reasonable amounts and to such persons as he may determine during such six months period, to order that such payments be made.

Extension  
of order.

- (3) Any order made under the provisions of this section, where all the terms of such order have been complied with and the payments prescribed therein have been promptly made may be extended for a further period not exceeding six months, upon application made to the judge within five days from the expiry of any order and upon five days' notice to all proper parties.

No costs  
on hearing  
or  
application.

- 23.** No costs shall be allowed by the judge on any hearing, and no fees, including law stamps, of any kind shall be collected from any person upon any application or hearing, provided that nothing herein shall affect the right of a solicitor to collect fees as between solicitor and client.

Applicant  
may  
conduct  
proceedings.

- 24.** Any applicant may prepare his own material, and appear and conduct his case personally and without counsel if he so desires.

Hearings.

- 25.** Hearings shall be in camera and shall be held by the judge in his chambers.

**26.**—(1) The provisions of this Part shall extend and apply to an action or proceeding taken after the 1st day of January, 1933, upon any mortgage, contract, agreement for sale or purchase of land made prior to the 4th day of March, 1932, or any extension or renewal thereof, which has resulted in any mortgagor, purchaser, or any other party liable thereunder, who owned, resided upon and occupied such land, being dispossessed of the lands affected, by any mortgagee, vendor, his assignee or personal representative, who is in possession of the said lands; and in all such cases, notwithstanding the provisions of section 17, any such mortgagor, purchaser or other party may within 15 days after the passing of this Act make an application for relief to the Judge.

Dispossession in certain cases after Jan. 1st, 1933

(2) The provisions of this Part shall not extend or apply to any action or proceeding mentioned in subsection 1 hereof, where an actual transfer or change of ownership in the said lands to a *bona fide* purchaser for value has been effected.

*Bona fide* transfers to third parties not affected.

**27.** Any action or proceeding against any person or corporation liable as principal or guarantor or otherwise upon any covenant or agreement as principal or guarantor or otherwise, whether express or implied under any mortgage, contract or agreement for sale or purchase, or a renewal or extension thereof of any land or any interest therein coming within the provisions of this Part shall, *ipso facto*, be stayed pending the final disposition of any application and during the period in which relief has been granted under this Part.

Actions on the covenant.

**28.** Any application made under this Part may be made to the judge of the county or district in which the land is situate.

**29.** Save as otherwise specifically provided in section 27 the provisions of this Part shall not apply to a corporation which is a mortgagor, or a purchaser or which is liable to make payments under any mortgage, contract or agreement for sale or purchase, or a renewal or extension thereof, within the provisions of this Part.

### PART III.

GENERAL PROVISIONS APPLICABLE TO BOTH PARTS I AND II.

**30.** An order made under this Act may, if subsequent circumstances render it just so to do, on ten days' notice to all proper parties, be suspended or discharged or otherwise varied or altered upon application to the judge.

Reviewing varying order.

**31.** The powers conferred by this Act shall be in addition to and not in derogation of any other powers of the judge.

Powers under Act to be additional.

**32.** The powers of the Supreme Court to prescribe rules shall apply to the making of rules for carrying into effect the provisions of this Act and for regulating the practice and

Rules.

procedure under it where the same are not regulated by the existing rules.

Proceedings where moneys paid into Court or tender is made.

**33.** Where, after any action or other proceeding has been commenced, and such principal, interest, rent, taxes or other disbursements are paid into Court or tendered to the mortgagee, vendor, assignee or personal representative, such action or other proceeding shall not be continued without an order of the judge granted upon an application to him upon originating notice in accordance with the practice of the Supreme Court, except that in the case of money being paid into Court, the plaintiff shall, if he so elects, have the right to take the money out of Court and abandon his action; or in the case of money being tendered him, he shall, if he so elects, have the right to take the same and abandon his action, and such plaintiff shall be entitled to such reasonable costs as the judge may allow.

No action or proceeding by sheriff on execution against land except by leave of judge.

**34.**—(1) No sheriff or other person shall take any action or proceeding under the provisions of *The Execution Act* or otherwise upon any execution against the land of a mortgagor, purchaser or any other person liable to make payments under any mortgage, contract or agreement for the sale or purchase of any land or any interest therein made or entered into prior to the 4th day of March, 1932, or any renewal or extension thereof except by leave of the judge granted upon application as provided in Part I of this Act, the provisions of which Part shall apply.

Application of section.

(2) The provisions of this section shall only apply to land or any interest therein which is set out in any mortgage, contract or agreement or renewal or extension thereof to which the provisions of this Act applies.

Power to make Regulations.

**35.** The Lieutenant-Governor in Council may make Regulations,—

- (a) prescribing the particulars and the form thereof to be furnished by an applicant for relief under the provisions of this Act;
- (b) generally for the better carrying out of the provisions of this Act.

Duration of Act.

**36.** The Lieutenant-Governor in Council may at any time terminate the operation of this Act or provide that this Act shall have effect subject to such limitations as may be contained in the Order-in-Council, but, subject to the operation of such Order-in-Council this Act shall have effect as and



from the 1st day of January, 1933, and shall remain in force until after the expiration of thirty days from the close of the next Session of the Legislature.

**37.** The provisions of this Act shall extend and apply to any renewal or extension of any mortgage, contract or agreement for sale or purchase of land or any interest therein made prior to the 4th day of March, 1932, provided that such renewal or extension is made prior to that date, and shall extend and apply to any renewal or extension of any such mortgage, contract or agreement for sale or purchase of land, if such renewal or extension is made after the 4th day or March, 1932, and is for a period of less than three years, or for three years and over and the rate of interest has been increased.

**38.**—(1) Where an executor or trustee has invested trust and estate moneys in any mortgage on land or any interest therein prior to the 4th day of March, 1932, pursuant to the terms of any will or trust deed which provides for the repayment of such moneys to any settlor or other person, or the payment of any legacy, and such moneys require to be realized from such mortgages, where an action or proceeding has been taken to enforce payment of the same, such action or proceeding shall not continue and no further proceedings shall be taken except by leave of the judge granted upon application as provided in Part I of this Act, the provisions of which Part shall apply.

(2) Where the word "Trustee" occurs in this section it shall include the Public Trustee.

**39.** *The Mortgagors' and Purchasers' Relief Act, 1932*, is repealed.

**40.** This Act shall come into force on the day upon which it receives the Royal Assent.

## FORM 1

## NOTICE TO MORTGAGOR

(Referred to in Subsection 2 of Section 16)

To.....  
 (Name of mortgagor, purchaser or other person liable to make payments  
 under mortgage or agreement.)

TAKE NOTICE, that you have made default in payment under a certain  
 .....  
 (Mortgage, agreement, or as the case may be)  
 dated the.....day of....., 19....  
 by failing to pay.....  
 (Set out default in principal, and amount due in each year)  
 .....  
 (Set out default in interest, and amount due in each year)  
 .....  
 (Set out default in taxes, and amount due in each year)  
 Amounting in all to.....\$.....

This Notice is given to you pursuant to the provisions of *The Mortgagors' and Purchasers' Relief Act, 1933*, and you have the right within ten days of the service of this notice to apply to the undernamed mortgagee for relief with respect to your default in the following manner:

Your application shall be in the form of an affidavit as prescribed by the Act, and you may obtain copies of such form from the Clerk or the (County or District) Court.

Upon receipt of such affidavit, the undernamed mortgagee will give consideration to your application for relief, with a view to arriving at a mutually satisfactory agreement for payment of the above amount, or for an extension of time.

In the event that no such agreement can be made, a notice to that effect will be sent you by the undernamed mortgagee, and in that case you will have the right within ten days to apply to a judge under the provisions of *The Mortgagors' and Purchasers' Relief Act, 1933*.

If you fail to apply to the undernamed mortgagee and file with him your affidavit within ten days of the service upon you of this notice, proceedings may be instituted for sale or foreclosure, or otherwise, under the said mortgage as if *The Mortgagors' and Purchasers' Relief Act, 1933*, had not been passed.

Dated this.....day of.....19....

.....  
 (Name of Mortgagee)





BILL

The Mortgagees' and Purchasers'  
Relief Act, 1933.

*1st Reading*

March 8th, 1933

*2nd Reading*

March 21st, 1933

*3rd Reading*

April 6th, 1933

MR. PRICE (Parkdale)

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Municipal Act.

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MR. LANCASTER

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No. 50

1933

# BILL

An Act to amend The Municipal Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 233, s. 245,  
subs. 7,  
amended.

1. Subsection 7 of section 245 of *The Municipal Act* is amended by adding after the word "direct" in the third line the words "and shall cause to be published at least once, a copy of the said abstract and of the report of the auditors upon the condition and sufficiency of the securities of the treasurer" so that the said subsection shall now read as follows:

Clerk to  
publish  
abstract  
and state-  
ments.

- (7) The clerk shall print and distribute the abstract, statements and reports in such manner and form as the council may direct, and shall cause to be published at least once, a copy of the said abstract and of the report of the auditors upon the condition and sufficiency of the securities of the treasurer; and in the case of a local municipality shall transmit a copy of the abstract and statements to the clerk of the council of the county, and the same shall be kept in his office.

#### EXPLANATORY NOTE

Unless the electors of a municipality secure a printed copy of the annual auditors' report they are without information as to their own local affairs, and to overcome this condition it is thought desirable that the abstract of receipts, expenditures, assets and liabilities should be published at least once in the local newspaper or if there is none, in a newspaper published in a nearby municipality.

BILL

An Act to amend The Municipal Act.

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*1st Reading*

March 7th, 1933

*2nd Reading*

*3rd Reading*

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MR. LANCASTER

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to provide for Giving Threshers a Lien in Certain Cases.

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MR. NEWMAN

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# BILL

## An Act to provide for Giving Threshers a Lien in Certain Cases.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Threshers Lien Act, 1933*.

Interpreta-      **2.** In this Act, unless the context otherwise requires,—  
tion.

"Grain."      (a) "Grain" shall mean and include vegetable products from the soil which require threshing or other machine process to make the same useable or marketable;

"Machine."      (b) "Machine" shall mean and include a threshing machine, a harvest thresher, a separator, a combination thresher, or any machine or instrument used for threshing grain or for cutting and threshing grain;

"Minister."      (c) "Minister" shall mean Minister of Agriculture;

"Owner."      (d) "Owner" shall mean the owner or occupant of the premises where the threshing is being done or any person who has any right of ownership or title to the grain threshed;

"Thresher."      (e) "Thresher" shall mean and include any person owning and operating any machine and who threshes, or cuts and threshes, or causes to be cut or threshed, grain of any kind and who has registered in accordance with the provisions of this Act;

"Thresh-  
ing."      (f) "Threshing" shall mean and include the operation of any machine for threshing, or cutting and threshing, grain of any kind.

Registration.      **3.—(1)** No person shall in any year operate or cause to be operated any machine until a certificate of registration has been



## EXPLANATORY NOTES

Section 2. Interpretation section.

Section 3.—(1), (2). A certificate must be obtained before a machine can be operated and such certificate must be exposed to view on the machine.

obtained from the Minister, such certificate to be valid for one year only and the fee to be paid for the same to be \$1.

Certificate  
to be  
exposed to  
view.

(2) The certificate shall at all times be exposed to view upon the machine.

Notice of  
transfer to  
be made.

(3) Whenever there is a transfer of ownership in a machine notice shall be forwarded to the Minister within thirty days of such sale or transfer and no machine so transferred shall be operated in any year until a transfer certificate has been obtained from the Minister for which there shall be a fee of fifty cents.

Thresher  
to have  
lien.

4. Every person being the owner or operator of a machine as defined by this Act, who threshes grain for another person for a fixed price or rate of remuneration, shall from the date of the commencement of the threshing have a lien upon such grain for the purpose of securing payment of the price of remuneration.

Rights of  
lien holder.

5. A lien holder may, after having given written notice to the owner of the grain of his intention so to do, take a sufficient quantity of such grain to secure payment of the said price or remuneration, or of such part or portion thereof as is earned at the time of taking, unless the owner in the meantime pays the price or remuneration or the part or portion thereof earned at the time of the giving of the notice.

Value of  
grain.

6. The quantity of grain which may be retained shall be a sufficient quantity, when computed at the market value thereof at the nearest market place, to pay, when sold, for the threshing together with the cost of transportation, storage and sale.

Notice to  
be given.

7. Notice, in writing, of the retention of the grain shall be given to the owner during the threshing or upon the completion of the threshing, setting forth in detail,—

(a) the claim of the thresher;

(b) the quantity of grain retained;

and the grain so retained shall be separated from the bulk of the threshed grain and may be removed from the premises at any time within thirty days from the completion of such threshing.

When  
grain may  
be sold.

8.—(1) A thresher who exercises such right of retention and removal may house the grain so taken and removed, and if, at the expiration of fifteen days from the time such right of

(3) This provides that all transfers of ownership must be recorded.

Section 4. This gives the thresher a lien on the grain threshed.

Section 5. The lien holder must give notice in writing to the owner of the grain before taking such grain in payment for his work.

Section 6. The value of the grain is to be computed at the price offered at the nearest market place and a sufficient quantity of grain is to be taken to pay for threshing, transportation, storage and sale.

Section 7. The notice of the retention of the grain must set out in detail the thresher's claim and the quantity of grain retained which must be removed within thirty days from the completion of the threshing.

Section 8. If the thresher has held the grain for fifteen days and has not been paid for the threshing, together with the cost of transportation and storage, he may sell the grain at a fair market price and after deducting his expenses the residue, if any, shall be paid to the owner.

retention and removal is exercised, the price or remuneration for which the grain is held be not paid, together with the cost of transportation and storage, may sell the said grain at the fair market price.

Proceeds of sale.

(2) The proceeds of the sale shall be applied, first in payment of the threshing, transportation, storage and cost of sale and the residue, if any shall be paid to the owner of the grain or his assigns.

Thresher to be accountable.

9. The thresher shall be accountable for any grain removed and any damage or deterioration during such period.

When grain left on premises.

10.—(1) The thresher, instead of removing the grain taken to satisfy the lien, may place the same in bags or other receptacles and leave the same upon the premises until such time as he makes sale thereof as provided by this Act.

Lien to attach.

(2) During the time the grain remains on the premises the lien shall attach for a period of thirty days except where such grain has been sold to a *bona fide* purchaser for value without knowledge that such grain is subject to the lien provided by this Act, in which case the lien shall become a first charge upon so much of the purchase price as may remain unpaid when notice of the lien is given to the purchaser.

To be sold within thirty days.

11. The grain retained under the provisions of this Act shall be sold within thirty days after the right of retention is exercised unless the owner thereof consents in writing to the same being unsold for a longer period.

Priority of lien.

12. Such lien shall have priority over all writs of execution against the owner of the grain, all chattel mortgages, bills of sale or conveyances made by him, and over all rights of distress for rent reserved upon the land upon which the grain is grown, and the thresher shall be deemed a purchaser for value of the grain which he takes by virtue of this Act, but nothing in this Act shall give priority over any mortgages, bills of sale, lien charges, encumbrances, conveyances, transfers or assignments made, executed or created as a security for the purchase price and interest thereon of seed grain.

Disputes,—how settled.

13.—(1) Should any dispute arise between the owner and the thresher as to the right of the thresher to seize or remove any grain the owner shall during the threshing, or within forty-eight hours after the threshing is completed, or the grain set aside or removed in accordance with the provisions of this Act, serve the thresher with notice that his right to seize and set aside or remove the said grain is disputed, and such dispute shall be heard and determined in a summary way by the judge

Section 9. The thrasher is to be accountable for any damage or deterioration to the grain.

Section 10.—(1) This provides that the thrasher, instead of removing the grain, may leave it upon the premises in bags or other receptacles until such time as the sale is completed.

(2) Where the grain remains on the premises the lien is to attach for thirty days. If, however, the grain has been sold to a *bona fide* purchaser for value without knowledge of the lien, the lien shall only attach upon so much of the purchase price as remains unpaid when the purchaser receives notice of the lien.

Section 11. The grain retained shall be sold within thirty days after the right of retention is exercised unless the owner consents in writing to the same remaining unsold for a longer period.

Section 12. This provides for the priority of the rights of the lien holder over the claims set out in the section with the exception of those claiming under any instrument given as security for the purchase price, and interest thereon, of seed grain.

Section 13.—(1) If the owner disputes the thrasher's right to a lien he shall serve notice during the threshing or within forty-eight hours after the completion of the threshing that he disputes such lien and the dispute shall be heard and determined by a judge of the county or district court upon application to him by the owner and upon notice to the thrasher made within four days after service of the dispute notice.

of the county or district court of the county or district in which such grain is being threshed upon application to him by the owner and upon notice to the thresher made within four days after service of the dispute notice, and until such application is heard the said grain shall remain on the premises where threshed and shall not be subject to removal or sale in the meantime.

Lien to remain when disputed.

(2) In all such cases the lien shall remain on the grain until the dispute has been determined by the court.

Returns to Minister.

**14.** Every thresher shall from time to time send to the Minister such information and returns as may be required.

Penalties,—  
recovery of.

**15.**—(1) Any owner of grain, or any other person, who sells, removes, or attempts to sell or remove grain which is subject to a lien under the provisions of this Act shall be liable, on summary conviction, to a penalty of not less than the value of the grain sold or removed.

Rev. Stat.,  
c. 121.

(2) Penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act*.

(3) Any person who violates any other provisions of this Act shall, on summary conviction, be liable to a penalty not exceeding \$25.

Commence-  
ment of Act.

**16.** This Act shall come into force on the 1st day of June, 1933.



(2) The lien is to remain on the grain until the dispute has been determined.

Section 14. This gives the Minister the right to have returns made to him as he may require them.

Section 15.—(1) An owner or other person who sells, removes, etc., any grain subject to a lien under this Act shall be liable to a penalty of not less than the value of the grain so sold or removed.

(2) The penalties are to be recoverable under *The Summary Convictions Act*.

(3) Any person who violates any other provisions of this Act than those set out in subsection 1 of this section shall be liable to a penalty not exceeding \$25.





BILL

An Act to provide for Giving Threshers a  
Lien in Certain Cases.

*1st Reading*

March 8th, 1933

*2nd Reading*

*3rd Reading*

MR. NEWMAN

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act respecting The Ontario Institute of Radio-Therapy.

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MR. ROBB

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No. 52

1933

# BILL

## An Act respecting The Ontario Institute of Radio-Therapy.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Ontario Institute of Radio-Therapy Act, 1933*.

Certain agreements validated.      **2.** The agreements set out in schedules "A" and "B" hereto, are and each of them is hereby confirmed and declared to be legal, valid and binding on the parties thereto, respectively.

Moneys due under agreements to be paid out of Consolidated Revenue Fund.      **3.** The moneys respectively payable from time to time under the said agreements shall be payable out of the Consolidated Revenue Fund.

Commencement of Act.      **4.** This Act shall come into force on the day upon which it receives the Royal Assent.



#### EXPLANATORY NOTE

This Act confirms and validates agreements entered into between the Toronto General Hospital and the Kingston General Hospital and the Province of Ontario, dated the 24th day of November, 1932, and the 14th day of October, 1932, respectively, regarding Radio-Therapy treatment.

## SCHEDULE "A"

This Indenture made in duplicate this Twenty-fourth day of November, in the year One Thousand Nine Hundred and Thirty-two.

BETWEEN:

HIS MAJESTY THE KING in the right of the Province of Ontario, represented herein by the HONOURABLE JOHN MORROW ROBB, M.D., Minister of Health for the Province of Ontario (hereinafter called the "Government"),

of the first part;

—and—

THE TRUSTEES OF THE TORONTO GENERAL HOSPITAL, a body corporate incorporated under the laws of the Province of Ontario (hereinafter called the "Hospital"),

of the second part.

Whereas the Government has requested the Hospital to provide facilities for the care and treatment of patients suffering from malignant or suspected malignant conditions, and the Hospital has agreed thereto;

Witnesseth that in consideration of the mutual covenants and agreements hereinafter set forth and other valuable considerations, the Government and the Hospital mutually covenant and agree as follows:

1. The Government shall pay to the Hospital an annual sum of Forty-five Thousand Dollars (\$45,000.00), such annual amount shall be paid semi-annually in advance on the following days and times, that is to say: The sum of Twenty-two Thousand Five Hundred Dollars (\$22,500.00) on the First Day of December, A.D. 1932, and the sum of Twenty-two Thousand Five Hundred Dollars (\$22,500.00) on the First Days of June and December in each succeeding year for a period of ten (10) years, until the total sum of Four Hundred and Fifty Thousand Dollars, (\$450,000.00) shall have been paid—the last of such semi-annual payments shall be due and payable on the First day of June, A.D. 1942.

2. The Government shall, without any expense of any kind to the Hospital, provide radium and radium emanation in such quantities, at the place of treatment in the Toronto General Hospital, as "The Ontario Institute of Radio Therapy" (hereinafter called the "Institute"), shall require. The emanation plant shall be operated and maintained, and all expenses in connection therewith shall be borne by the Government.

3. The Hospital, upon the execution of this Agreement by the parties hereto, shall, without undue delay, provide a suitable building, equipment and necessary supplies, other than radium and radium emanation, for the care and treatment therein of patients suffering from malignant or suspected malignant conditions, and will further provide and maintain, in such building, fifty (50) beds for the hospitalization of such patients.

4. The Hospital shall equip the Institute for the scientific study and application of all forms of treatment by Roentgen Rays, Radium and Radio-active substances, other than supplying radium or radium emanation.

5. (1) The administration of the Institute shall be under the supervision and direction of a Supervising Committee of eight members composed of non-medical men (save as hereinafter provided) who shall be appointed in the manner following:

(a) Three members, one of whom may be the Minister of Health, shall be appointed by the Government.



- (b) Three members shall be appointed by the Board of Trustees of the Hospital from its members, one of whom shall be the Chairman of the Board of Trustees of the Hospital.
- (c) Two members shall be appointed by the Board of Governors of the University of Toronto from the representatives of the University on the Board of Trustees of the Hospital.

(2) The Chairman of the Board of Trustees of the Toronto General Hospital shall be the Chairman of the said Supervising Committee.

(3) Any vacancy occurring in the membership of the Supervising Committee shall be filled in the same manner.

6. The Heads of Medicine, Physics, Surgery, Obstetrics, Gynaecology, Otolaryngology, Ophthalmology, Pathology and Radiology in the University of Toronto shall be members of and constitute a Consulting Staff of the Institute.

The members of the Consulting Staff may recommend, to the Board of Trustees of the Hospital, a member or members from their respective services who shall, with the approval of the Board of Trustees of the Hospital, serve and constitute an Active Staff of the Institute.

7. Subject to the pleasure of the Board of Trustees of the Hospital, the Head of the Radiological Service of the Toronto General Hospital shall be the Director of the Institute. Such Director shall be:

- (a) Chief Consultant in the use and application of Roentgen Rays, Radium and Radio-active substances.
- (b) Head of the Radiological, Administrative, Technical and Clerical Staff and all other employees of the Institute.
- (c) Curator of all Radium, Radio-active substances and all X-ray and other apparatus and equipment of the Institute.
- (d) Head of all laboratories in the Institute for the preparation of and the physical and chemical investigation of the properties, actions and uses of Roentgen Rays, Radium and other Radio-active substances.
- (e) Chairman of the Consulting and Active Staff of the Institute.
- (f) And shall, with the Consulting Staff, constitute a Medical Board to advise the Supervising Committee in the administration of the Institute.
- (g) For the organization of records and social service activities which shall give the details of the history of the examination for cancer in the different regions of the body, the details of the treatment by radium or X-Ray and the result of periodic examination at intervals, for a period of at least five (5) years following treatment and for the indicating of this information on forms which shall be approved by the Minister of Health of the Province of Ontario.
- (h) The permanent preservation of microscopic slides and gross material and for the filing of all material in such a way that a review of the materials may be readily accomplished at some future time when special study of the subject may be required.

8. The Active Staff of the Institute shall co-operate in the investigation and treatment of all patients referred to the Institute and shall be responsible for all histories and follow-up notes.



9. The Institute shall at all times be responsible to and under the direction of the Hospital and shall be governed by its Rules and Regulations, as established from time to time by the Board of Trustees, of the Hospital.

10. All Radio-Therapeutic work undertaken and carried on by the Institute shall be in conformity with the Rules and Regulations from time to time passed and approved by the International Safety Committee of Radiologists.

11. The Supervising Committee shall be considered as the representatives of the Public in the operation of the Institute, and shall have full access to the records and all details of the Institute service. It will hold periodical meetings, at which meetings the work of the Institute shall be reviewed. This Committee shall have full authority to investigate any service, policy or detail of the Institute, and shall submit reports to the Department of Health. The Committee may investigate charges made for service and the efficiency of the Institute service shall keep the Department of Health advised as to whether the terms of this Agreement are being carried out. The Committee shall, from time to time, make such recommendations to the Hospital in respect to the service and charges made therefor, which seem necessary in order to carry out the service agreed upon under the terms of this Agreement. The Committee shall function as an advisory organization to both the Government and the Hospital with respect to the service being given by the Institute.

12. The Hospital shall accept, for diagnosis and treatment, persons suffering from malignant or suspected malignant conditions who are *bona fide* residents of the Province of Ontario up to the limit of but not exceeding the capacity of the Institute and bed accommodation as provided in this Agreement. These patients may be referred to the Institute by any duly qualified Practitioner in the Province of Ontario. The responsibility of payment shall be as provided by *The Public Hospitals Act, 1931*, and amendments and the Regulations passed thereunder. For patients who may not be indigent under the terms of *The Public Hospitals Act, 1931*, the Hospital may charge rates in excess of the Statutory per diem allowance for the maintenance of indigent patients and such patients shall be termed "Pay Patients." The Hospital may charge fees for diagnosis and treatment of all pay patients, such fees, however, to be subject to the approval of the Supervising Committee, it being understood that such rates shall be in line with but not in excess of the rates charged for a similar quality of service in the various departments of the Hospital.

13. (a) All patients in the Institute occupying Public Ward beds, shall, as in the case of Public Service in the Toronto General Hospital, be subject to clinical investigation and instruction as is now conducted in the Public Wards of the said Hospital.

(b) All "Pay Patients" of the Institute must be referred by a duly qualified Medical Practitioner, and the Institute reserves the right fully to investigate the patient's condition to determine whether or not it is a suitable case for radiation therapy, either alone or in combination with other forms of therapy.

(c) Should any patient not be considered suitable for treatment by the Institute, the Medical Practitioner, who may have referred such patient, shall be forthwith notified.

(d) Should a "Pay Patient's" condition necessitate operative treatment combined with radio-therapy and such patient has been referred to the Institute by a duly qualified Medical Practitioner, such Medical Practitioner may be extended the privileges of carrying out the operative treatment in co-operation with a member of the Radiological Staff of the Institute.

14. The Government Inspectors, appointed under *The Public Hospitals Act, 1931*, shall have full power from time to time to inspect all records and equipment of the Institute.





15. The parties hereto hereby agree that this Agreement shall be binding upon their respective successors and assigns.

In witness whereof these Presents have been fully executed under seal.

Signed, Sealed and Delivered  
in the presence of:

JOHN W. S. McCULLOUGH  
as to the signature of  
John M. Robb.

JOHN M. ROBB.

TORONTO GENERAL HOSPITAL

MARK H. IRISH,  
*Chairman of Board of Trustees.*

C. J. DECKER,  
*Secretary, Board of Trustees.*

## SCHEDULE "B"

### AGREEMENT *re* CANCER INSTITUTE

This Agreement made in duplicate this Fourteenth day of October in the year One Thousand Nine Hundred and Thirty-Two.

BETWEEN:

HIS MAJESTY THE KING in the right of the Province of Ontario, represented herein by the HONOURABLE JOHN MORROW ROBB, Minister of Health, for the Province of Ontario (hereinafter called the "Government"),  
of the first part;

—and—

THE BOARD OF GOVERNORS OF THE KINGSTON GENERAL HOSPITAL, a body incorporated under the Province of Ontario (hereinafter called the "Hospital"),  
of the second part.

Whereas the Government has requested the Hospital to provide facilities for the care and treatment of patients suffering from malignant or possibly malignant conditions and the Hospital has agreed thereto;

Witnesseth that in consideration of the mutual covenants and agreements hereinafter set forth and other valuable considerations, the Government and the Hospital mutually covenant and agree as follows:

1. The Government will pay to the Hospital an annual sum of Nine Thousand Dollars (\$9,000.00) and such annual amount shall be paid half yearly on the following days and times, that is to say: The sum of Four Thousand and Five Hundred Dollars (\$4,500.00) is to be paid on the first day of December, 1932, and on the first days of June and December in each of the next succeeding ten years. The final payment of Four Thousand and Five Hundred Dollars (\$4,500.00) shall become due and payable on the first day of June, 1942.

2. The Government shall without any expense of any kind to the Hospital provide radium and radium emanation in such quantities at the place of treatment in the Kingston General Hospital known as the Ontario Institute of Radio Therapy (Kingston) (hereinafter called the Institute) as shall be required.

3. The Hospital, upon the execution of this Agreement by the parties hereto, shall, without delay, provide suitable building accommodation, equipment and necessary supplies, other than radium and radium emanation, for the care and treatment of indigent patients, suffering from



malignant or possibly malignant conditions, and will further provide and maintain a section of Twenty (20) beds for the hospitalization of such patients.

4. The Hospital shall equip the Institute for the scientific study and application of all forms of treatment of Roentgen Rays, Radium and Radio-active substances other than supplying radium and radium emanation.

5. The Hospital shall accept for diagnosis and treatment, persons suffering from malignant and possibly malignant conditions, who are *bona fide* residents of the Province of Ontario, up to the limit of the capacity of the Institute and bed accommodation as agreed upon in this Agreement. These patients may be referred to the Institute by any duly qualified Practitioner in the Province of Ontario. The responsibility of payment will be as provided by *The Public Hospitals Act, 1931*, with subsequent amendments thereto and the Regulations passed thereunder. For patients who may not be indigents under the terms of *The Public Hospitals Act, 1931*, the Hospital may charge rates in excess of the statutory per diem allowance for the maintenance of indigent patients and such patients will be termed "Pay Patients." The fees charged for diagnostic service and pay patient service shall be as approved by the Government, after recommendations have been made by the Supervising Committee, which Committee shall be created under this Agreement. The understanding of this Agreement is that these rates shall be in line with but not in excess of the rates charged for a similar quality of service in other departments of the Hospital.

6. The Institute shall, at all times, be responsible to and under the direction of the Hospital and shall be governed by its Rules and Regulations, as established from time to time by the Hospital.

7. All Radio-Therapeutic work undertaken and carried on by the Institute shall be in conformity with the Rules and Regulations passed and approved by the International Safety Committee of Radiologists.

8. A Supervising Committee of five (5) non-Medical members except as hereinafter provided, will be appointed in the manner following:

- (a) Two members shall be appointed by the Government, one of whom may be the Minister of Health.
- (b) Two members shall be appointed by the Hospital, one of whom may be the Chairman of the Board of Governors of the Kingston General Hospital.
- (c) One member shall be appointed by the Trustees of Queen's University, who shall not be a member of the Board of Governors of the Hospital.
- (d) The Committee shall choose one of its members as a Chairman.
- (e) Any vacancy occurring in the membership of the Supervising Committee shall be filled in the same manner.

9. The Supervising Committee as appointed herein shall be considered as the representatives of the Public in the operation of the Institute. This Committee will have full access to the records and all details of the Institute service. It will hold quarterly meetings, at which meetings the work of the Institute shall be reviewed. This Committee will have full authority to investigate any service, policy or detail of the Institute and shall submit regular reports to the Department of Health. The Committee shall investigate the charges made for service and the efficiency of the Institute service and keep the Department of Health advised as to whether the terms of this Agreement are being carried out. The Committee will, from time to time, make such recommendations to the Government or the Hospital in respect to the service and the charges made therefor which seem necessary in order to carry out the service agreed upon under the terms of this Agreement. The Committee shall function as an advisory organization to



both the Government and the Hospital with respect to the service being given by the Institute.

10. The Medical Staff of the Institute shall include the Dean of the Medical Faculty of Queen's University and the Heads of Medicine, Physics, Surgery, Obstetrics, Gynaecology, Otolaryngology, Ophthalmology, Pathology, Radiology and Urology in the Medical Faculty at Queen's University. Additional members to the Medical Staff of the Institute may be appointed by the Hospital, providing such appointments are approved by the Supervising Committee. This Committee, on the advice of the Medical Staff of the Institute, shall nominate, to the Board of Governors of the Hospital, one of their number as Chief of the Medical Staff of the Institute. The Medical Staff of the Institute shall meet monthly when the work of the Institute shall be reviewed from a medical-staff standpoint.

11. The Hospital shall arrange and appoint adequate and competent professional and business supervision or direction of the Institute. This direction or supervision shall include responsibility for:

- (a) The use and application of Roentgen Rays, Radium and Radio-active substances.
- (b) Radiological Service.
- (c) Guardianship of all Radium, Radio-active substances and all X-Ray and other apparatus and equipment of the Institute.
- (d) Laboratory services of the Institute required for the preparation of and the physical and chemical investigation of the properties, actions and uses of Roentgen Rays, Radium and other Radio-active substances.
- (e) The co-operation of the active staff of the Institute in the investigation and treatment of all patients referred to the Institute and in the preparing of histories and follow-up service.
- (f) For the organization of records and social service activities which shall give the details of the history of the examination for cancer in the different regions of the body, the details of the treatment by Radium or X-Ray and the results of periodic examination at intervals for a period of at least five (5) years following treatment and for the indicating of this information on forms which shall be approved by the Minister of Health of the Province of Ontario.
- (g) The permanent preservation of microscopic slides and gross material and for the filing of all material in such a way that a review of the material may be readily accomplished at some future time when special study of the subject may be required.
- (h) The adequate staffing of department and control of same.

12. It is understood and agreed between the parties hereto as follows:

- (a) All patients in the Institute occupying public ward beds shall, as in the case of all other public service in the Kingston General Hospital, be subject to clinical investigation and instruction as is now conducted in the public wards of the Hospital.
- (b) All private patients of the Institute must be referred by a duly qualified medical practitioner, and the Institute reserves the right fully to investigate the patient's condition to determine whether or not it is a suitable case for radiation therapy, either alone or in combination with other forms of therapy.
- (c) Should the patient not be considered suitable for the treatment as mentioned in paragraph *b* hereof, the medical practitioner referring such patient shall be forthwith notified.



- (d) Should a private patient's condition necessitate operative treatment combined with radio-therapy and such patient has been referred to the Institute by a duly qualified medical practitioner, such medical practitioner may be extended the privileges of carrying out the operative treatment in co-operation with a member of the Radiological staff of the Institute.

13. The Government may appoint one or more representatives who shall, from time to time, have power to inspect all records and equipment of the Institute.

14. The parties hereto hereby agree that this Agreement shall be binding upon their respective successors and assigns.

In witness whereof these Presents have been duly executed under seal.

Signed, Sealed and Delivered  
In the presence of  
JOHN W. S. McCULLOUGH,  
as to signature of  
John M. Robb.

JOHN M. ROBB.

R. EASTON BURNS,  
*Chairman.*

E. A. HUNTER,  
*Secretary-Treasurer,*  
Board of Governors,  
Kingston General Hospital.









BILL

An Act respecting The Ontario Institute  
of Radio-Therapy.

---

*1st Reading*

March 8th, 1933

*2nd Reading*

*3rd Reading*

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MR. ROBB

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act respecting The Ontario Institute of Radio-Therapy.

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MR. ROBB

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No. 52

1933

# BILL

## An Act respecting The Ontario Institute of Radio-Therapy.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Ontario Institute of Radio-Therapy Act, 1933*.

Certain agreements validated.

**2.** The agreements set out in schedules "A" and "B" hereto, are and each of them is hereby confirmed and declared to be legal, valid and binding on the parties thereto, respectively.

Moneys due under agreements to be paid out of Consolidated Revenue Fund.

**3.** The moneys respectively payable from time to time under the said agreements shall be payable out of the Consolidated Revenue Fund.

Commencement of Act.

**4.** This Act shall come into force on the day upon which it receives the Royal Assent.

## SCHEDULE "A"

This Indenture made in duplicate this Twenty-fourth day of November, in the year One Thousand Nine Hundred and Thirty-two.

BETWEEN;

HIS MAJESTY THE KING in the right of the Province of Ontario, represented herein by the HONOURABLE JOHN MORROW ROBB, M.D., Minister of Health for the Province of Ontario (hereinafter called the "Government"),

of the first part;

—and—

THE TRUSTEES OF THE TORONTO GENERAL HOSPITAL, a body corporate incorporated under the laws of the Province of Ontario (hereinafter called the "Hospital"),

of the second part.

Whereas the Government has requested the Hospital to provide facilities for the care and treatment of patients suffering from malignant or suspected malignant conditions, and the Hospital has agreed thereto;

Witnesseth that in consideration of the mutual covenants and agreements hereinafter set forth and other valuable considerations, the Government and the Hospital mutually covenant and agree as follows:

1. The Government shall pay to the Hospital an annual sum of Forty-five Thousand Dollars (\$45,000.00), such annual amount shall be paid semi-annually in advance on the following days and times, that is to say: The sum of Twenty-two Thousand Five Hundred Dollars (\$22,500.00) on the First Day of December, A.D. 1932, and the sum of Twenty-two Thousand Five Hundred Dollars (\$22,500.00) on the First Days of June and December in each succeeding year for a period of ten (10) years, until the total sum of Four Hundred and Fifty Thousand Dollars, (\$450,000.00) shall have been paid—the last of such semi-annual payments shall be due and payable on the First day of June, A.D. 1942.

2. The Government shall, without any expense of any kind to the Hospital, provide radium and radium emanation in such quantities, at the place of treatment in the Toronto General Hospital, as "The Ontario Institute of Radio Therapy" (hereinafter called the "Institute"), shall require. The emanation plant shall be operated and maintained, and all expenses in connection therewith shall be borne by the Government.

3. The Hospital, upon the execution of this Agreement by the parties hereto, shall, without undue delay, provide a suitable building, equipment and necessary supplies, other than radium and radium emanation, for the care and treatment therein of patients suffering from malignant or suspected malignant conditions, and will further provide and maintain, in such building, fifty (50) beds for the hospitalization of such patients.

4. The Hospital shall equip the Institute for the scientific study and application of all forms of treatment by Roentgen Rays, Radium and Radio-active substances, other than supplying radium or radium emanation.

5. (1) The administration of the Institute shall be under the supervision and direction of a Supervising Committee of eight members composed of non-medical men (save as hereinafter provided) who shall be appointed in the manner following:

(a) Three members, one of whom may be the Minister of Health, shall be appointed by the Government.



(b) Three members shall be appointed by the Board of Trustees of the Hospital from its members, one of whom shall be the Chairman of the Board of Trustees of the Hospital.

(c) Two members shall be appointed by the Board of Governors of the University of Toronto from the representatives of the University on the Board of Trustees of the Hospital.

(2) The Chairman of the Board of Trustees of the Toronto General Hospital shall be the Chairman of the said Supervising Committee.

(3) Any vacancy occurring in the membership of the Supervising Committee shall be filled in the same manner.

6. The Heads of Medicine, Physics, Surgery, Obstetrics, Gynaecology, Otolaryngology, Ophthalmology, Pathology and Radiology in the University of Toronto shall be members of and constitute a Consulting Staff of the Institute.

The members of the Consulting Staff may recommend, to the Board of Trustees of the Hospital, a member or members from their respective services who shall, with the approval of the Board of Trustees of the Hospital, serve and constitute an Active Staff of the Institute.

7. Subject to the pleasure of the Board of Trustees of the Hospital, the Head of the Radiological Service of the Toronto General Hospital shall be the Director of the Institute. Such Director shall be:

(a) Chief Consultant in the use and application of Roentgen Rays, Radium and Radio-active substances.

(b) Head of the Radiological, Administrative, Technical and Clerical Staff and all other employees of the Institute.

(c) Curator of all Radium, Radio-active substances and all X-ray and other apparatus and equipment of the Institute.

(d) Head of all laboratories in the Institute for the preparation of and the physical and chemical investigation of the properties, actions and uses of Roentgen Rays, Radium and other Radio-active substances.

(e) Chairman of the Consulting and Active Staff of the Institute.

(f) And shall, with the Consulting Staff, constitute a Medical Board to advise the Supervising Committee in the administration of the Institute.

(g) For the organization of records and social service activities which shall give the details of the history of the examination for cancer in the different regions of the body, the details of the treatment by radium or X-Ray and the result of periodic examination at intervals, for a period of at least five (5) years following treatment and for the indicating of this information on forms which shall be approved by the Minister of Health of the Province of Ontario.

(h) The permanent preservation of microscopic slides and gross material and for the filing of all material in such a way that a review of the materials may be readily accomplished at some future time when special study of the subject may be required.

8. The Active Staff of the Institute shall co-operate in the investigation and treatment of all patients referred to the Institute and shall be responsible for all histories and follow-up notes.

9. The Institute shall at all times be responsible to and under the direction of the Hospital and shall be governed by its Rules and Regulations, as established from time to time by the Board of Trustees, of the Hospital.

10. All Radio-Therapeutic work undertaken and carried on by the Institute shall be in conformity with the Rules and Regulations from time to time passed and approved by the International Safety Committee of Radiologists.

11. The Supervising Committee shall be considered as the representatives of the Public in the operation of the Institute, and shall have full access to the records and all details of the Institute service. It will hold periodical meetings, at which meetings the work of the Institute shall be reviewed. This Committee shall have full authority to investigate any service, policy or detail of the Institute, and shall submit reports to the Department of Health. The Committee may investigate charges made for service and the efficiency of the Institute service shall keep the Department of Health advised as to whether the terms of this Agreement are being carried out. The Committee shall, from time to time, make such recommendations to the Hospital in respect to the service and charges made therefor, which seem necessary in order to carry out the service agreed upon under the terms of this Agreement. The Committee shall function as an advisory organization to both the Government and the Hospital with respect to the service being given by the Institute.

12. The Hospital shall accept, for diagnosis and treatment, persons suffering from malignant or suspected malignant conditions who are *bona fide* residents of the Province of Ontario up to the limit of but not exceeding the capacity of the Institute and bed accommodation as provided in this Agreement. These patients may be referred to the Institute by any duly qualified Practitioner in the Province of Ontario. The responsibility of payment shall be as provided by *The Public Hospitals Act, 1931*, and amendments and the Regulations passed thereunder. For patients who may not be indigent under the terms of *The Public Hospitals Act, 1931*, the Hospital may charge rates in excess of the Statutory per diem allowance for the maintenance of indigent patients and such patients shall be termed "Pay Patients." The Hospital may charge fees for diagnosis and treatment of all pay patients, such fees, however, to be subject to the approval of the Supervising Committee, it being understood that such rates shall be in line with but not in excess of the rates charged for a similar quality of service in the various departments of the Hospital.

13. (a) All patients in the Institute occupying Public Ward beds, shall, as in the case of Public Service in the Toronto General Hospital, be subject to clinical investigation and instruction as is now conducted in the Public Wards of the said Hospital.

(b) All "Pay Patients" of the Institute must be referred by a duly qualified Medical Practitioner, and the Institute reserves the right fully to investigate the patient's condition to determine whether or not it is a suitable case for radiation therapy, either alone or in combination with other forms of therapy.

(c) Should any patient not be considered suitable for treatment by the Institute, the Medical Practitioner, who may have referred such patient, shall be forthwith notified.

(d) Should a "Pay Patient's" condition necessitate operative treatment combined with radio-therapy and such patient has been referred to the Institute by a duly qualified Medical Practitioner, such Medical Practitioner may be extended the privileges of carrying out the operative treatment in co-operation with a member of the Radiological Staff of the Institute.

14. The Government Inspectors, appointed under *The Public Hospitals Act, 1931*, shall have full power from time to time to inspect all records and equipment of the Institute.

15. The parties hereto hereby agree that this Agreement shall be binding upon their respective successors and assigns.

In witness whereof these Presents have been fully executed under seal.

Signed, Sealed and Delivered  
in the presence of:

JOHN W. S. McCULLOUGH  
as to the signature of  
John M. Robb.

JOHN M. ROBB.

TORONTO GENERAL HOSPITAL

MARK H. IRISH,  
*Chairman of Board of Trustees.*

C. J. DECKER,  
*Secretary, Board of Trustees.*

## SCHEDULE "B"

### AGREEMENT *re* CANCER INSTITUTE

This Agreement made in duplicate this Fourteenth day of October in the year One Thousand Nine Hundred and Thirty-Two.

BETWEEN:

HIS MAJESTY THE KING in the right of the Province of Ontario, represented herein by the HONOURABLE JOHN MORROW ROBB, Minister of Health, for the Province of Ontario (hereinafter called the "Government"),

of the first part;

—and—

THE BOARD OF GOVERNORS OF THE KINGSTON GENERAL HOSPITAL, a body incorporated under the Province of Ontario (hereinafter called the "Hospital"),

of the second part.

Whereas the Government has requested the Hospital to provide facilities for the care and treatment of patients suffering from malignant or possibly malignant conditions and the Hospital has agreed thereto;

Witnesseth that in consideration of the mutual covenants and agreements hereinafter set forth and other valuable considerations, the Government and the Hospital mutually covenant and agree as follows:

1. The Government will pay to the Hospital an annual sum of Nine Thousand Dollars (\$9,000.00) and such annual amount shall be paid half yearly on the following days and times, that is to say: The sum of Four Thousand and Five Hundred Dollars (\$4,500.00) is to be paid on the first day of December, 1932, and on the first days of June and December in each of the next succeeding ten years. The final payment of Four Thousand and Five Hundred Dollars (\$4,500.00) shall become due and payable on the first day of June, 1942.

2. The Government shall without any expense of any kind to the Hospital provide radium and radium emanation in such quantities at the place of treatment in the Kingston General Hospital known as the Ontario Institute of Radio Therapy (Kingston) (hereinafter called the Institute) as shall be required.

3. The Hospital, upon the execution of this Agreement by the parties hereto, shall, without delay, provide suitable building accommodation, equipment and necessary supplies, other than radium and radium emanation, for the care and treatment of indigent patients, suffering from

malignant or possibly malignant conditions, and will further provide and maintain a section of Twenty (20) beds for the hospitalization of such patients.

4. The Hospital shall equip the Institute for the scientific study and application of all forms of treatment of Roentgen Rays, Radium and Radio-active substances other than supplying radium and radium emanation.

5. The Hospital shall accept for diagnosis and treatment, persons suffering from malignant and possibly malignant conditions, who are *bona fide* residents of the Province of Ontario, up to the limit of the capacity of the Institute and bed accommodation as agreed upon in this Agreement. These patients may be referred to the Institute by any duly qualified Practitioner in the Province of Ontario. The responsibility of payment will be as provided by *The Public Hospitals Act, 1931*, with subsequent amendments thereto and the Regulations passed thereunder. For patients who may not be indigents under the terms of *The Public Hospitals Act, 1931*, the Hospital may charge rates in excess of the statutory per diem allowance for the maintenance of indigent patients and such patients will be termed "Pay Patients." The fees charged for diagnostic service and pay patient service shall be as approved by the Government, after recommendations have been made by the Supervising Committee, which Committee shall be created under this Agreement. The understanding of this Agreement is that these rates shall be in line with but not in excess of the rates charged for a similar quality of service in other departments of the Hospital.

6. The Institute shall, at all times, be responsible to and under the direction of the Hospital and shall be governed by its Rules and Regulations, as established from time to time by the Hospital.

7. All Radio-Therapeutic work undertaken and carried on by the Institute shall be in conformity with the Rules and Regulations passed and approved by the International Safety Committee of Radiologists.

8. A Supervising Committee of five (5) non-Medical members except as hereinafter provided, will be appointed in the manner following:

- (a) Two members shall be appointed by the Government, one of whom may be the Minister of Health.
- (b) Two members shall be appointed by the Hospital, one of whom may be the Chairman of the Board of Governors of the Kingston General Hospital.
- (c) One member shall be appointed by the Trustees of Queen's University, who shall not be a member of the Board of Governors of the Hospital.
- (d) The Committee shall choose one of its members as a Chairman.
- (e) Any vacancy occurring in the membership of the Supervising Committee shall be filled in the same manner.

9. The Supervising Committee as appointed herein shall be considered as the representatives of the Public in the operation of the Institute. This Committee will have full access to the records and all details of the Institute service. It will hold quarterly meetings, at which meetings the work of the Institute shall be reviewed. This Committee will have full authority to investigate any service, policy or detail of the Institute and shall submit regular reports to the Department of Health. The Committee shall investigate the charges made for service and the efficiency of the Institute service and keep the Department of Health advised as to whether the terms of this Agreement are being carried out. The Committee will, from time to time, make such recommendations to the Government or the Hospital in respect to the service and the charges made therefor which seem necessary in order to carry out the service agreed upon under the terms of this Agreement. The Committee shall function as an advisory organization to



both the Government and the Hospital with respect to the service being given by the Institute.

10. The Medical Staff of the Institute shall include the Dean of the Medical Faculty of Queen's University and the Heads of Medicine, Physics, Surgery, Obstetrics, Gynaecology, Otolaryngology, Ophthalmology, Pathology, Radiology and Urology in the Medical Faculty at Queen's University. Additional members to the Medical Staff of the Institute may be appointed by the Hospital, providing such appointments are approved by the Supervising Committee. This Committee, on the advice of the Medical Staff of the Institute, shall nominate, to the Board of Governors of the Hospital, one of their number as Chief of the Medical Staff of the Institute. The Medical Staff of the Institute shall meet monthly when the work of the Institute shall be reviewed from a medical-staff standpoint.

11. The Hospital shall arrange and appoint adequate and competent professional and business supervision or direction of the Institute. This direction or supervision shall include responsibility for:

- (a) The use and application of Roentgen Rays, Radium and Radio-active substances.
- (b) Radiological Service.
- (c) Guardianship of all Radium, Radio-active substances and all X-Ray and other apparatus and equipment of the Institute.
- (d) Laboratory services of the Institute required for the preparation of and the physical and chemical investigation of the properties, actions and uses of Roentgen Rays, Radium and other Radio-active substances.
- (e) The co-operation of the active staff of the Institute in the investigation and treatment of all patients referred to the Institute and in the preparing of histories and follow-up service.
- (f) For the organization of records and social service activities which shall give the details of the history of the examination for cancer in the different regions of the body, the details of the treatment by Radium or X-Ray and the results of periodic examination at intervals for a period of at least five (5) years following treatment and for the indicating of this information on forms which shall be approved by the Minister of Health of the Province of Ontario.
- (g) The permanent preservation of microscopic slides and gross material and for the filing of all material in such a way that a review of the material may be readily accomplished at some future time when special study of the subject may be required.
- (h) The adequate staffing of department and control of same.

12. It is understood and agreed between the parties hereto as follows:

- (a) All patients in the Institute occupying public ward beds shall, as in the case of all other public service in the Kingston General Hospital, be subject to clinical investigation and instruction as is now conducted in the public wards of the Hospital.
- (b) All private patients of the Institute must be referred by a duly qualified medical practitioner, and the Institute reserves the right fully to investigate the patient's condition to determine whether or not it is a suitable case for radiation therapy, either alone or in combination with other forms of therapy.
- (c) Should the patient not be considered suitable for the treatment as mentioned in paragraph *b* hereof, the medical practitioner referring such patient shall be forthwith notified.

- (d) Should a private patient's condition necessitate operative treatment combined with radio-therapy and such patient has been referred to the Institute by a duly qualified medical practitioner, such medical practitioner may be extended the privileges of carrying out the operative treatment in co-operation with a member of the Radiological staff of the Institute.

13. The Government may appoint one or more representatives who shall, from time to time, have power to inspect all records and equipment of the Institute.

14. The parties hereto hereby agree that this Agreement shall be binding upon their respective successors and assigns.

In witness whereof these Presents have been duly executed under seal.

Signed, Sealed and Delivered  
In the presence of  
JOHN W. S. McCULLOUGH,  
as to signature of  
John M. Robb.

}

JOHN M. ROBB.

R. EASTON BURNS,  
*Chairman.*

E. A. HUNTER,  
*Secretary-Treasurer,*  
Board of Governors,  
Kingston General Hospital.







BILL

An Act respecting The Ontario Institute  
of Radio-Therapy.

---

*1st Reading*

March 8th, 1933

*2nd Reading*

March 16th, 1933

*3rd Reading*

March 29th, 1933

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MR. ROBB

---

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Marriage Act.

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MR. PRICE (Parkdale)

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No. 53

1933

# BILL

## An Act to amend The Marriage Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Marriage Act, 1933*.

Rev. Stat.,  
c. 181, s. 34,  
amended.      **2.** Section 34 of *The Marriage Act* is amended by adding thereto the following subsections:

*Divorce Act*  
(*Ontario*),  
1930, (Dom.)  
confirmed.

(3) So many of the provisions of the Act of the Parliament of Canada, being 20-21 George V, chapter 14, of the Statutes of Canada, 1930, and cited as *The Divorce Act (Ontario), 1930*, as are, or may be within the legislative competence of this Legislature, are hereby enacted as if fully set out in this Act.

Date of  
commence-  
ment of this  
Act.

(4) This section shall, for the purposes of any action which has been brought under the provisions of the said *The Divorce Act (Ontario), 1930*, be deemed to have been in force since the 30th day of May, 1930.

Commence-  
ment of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTES

By Dominion Statute of 1930, Chapter 14, the law of England relating to the dissolution of marriage or the annulment of marriage as that law existed on the 15th day of July, 1870, was declared to be in force in this Province, and the Supreme Court of Ontario was given jurisdiction for the purposes of this Act.

Section 91 of *The British North America Act* gives to the Dominion jurisdiction with regard to marriage and divorce. The Province is given jurisdiction as to the solemnization of marriage. It is easy to draw the line between dissolution and annulment of marriage, which are the two topics mentioned in this Dominion Act of 1930. In one case, dissolution (commonly called divorce) is based upon an actual valid marriage. Annulment is an adjudication by the Court that there never has been a valid marriage at all. Such a decree of annulment is justified in the following types of cases:

1. Where parties cannot contract because one of them is already married;
2. Because the parties are within the prohibited degree of consanguinity;
3. Failure to comply with some statutory condition precedent.

To remove doubts that the annulment of marriage upon the above grounds and other grounds is not a matter of Dominion jurisdiction, this amendment is made.

BILL

An Act to amend The Marriage Act.

*1st Reading*

March 8th, 1933

*2nd Reading*

*3rd Reading*

MR. PRICE (Parkdale)

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

---

# BILL

An Act to amend The Marriage Act.

---

MR. PRICE (Parkdale)

---



No. 53

1933

# BILL

An Act to amend The Marriage Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Marriage Act, 1933*.

Rev. Stat.,  
c. 181,  
amended.      **2.** *The Marriage Act* is amended by adding thereto the following section:

*Divorce Act*  
*(Ontario),*  
*1930. (Dom.)*  
confirmed.

37.—(1) So many of the provisions of the Act of the Parliament of Canada, being 20-21 George V, chapter 14, of the Statutes of Canada, 1930, and cited as *The Divorce Act (Ontario), 1930*, as are, or may be within the legislative competence of this Legislature, are hereby enacted as if fully set out in this Act.

Date of  
commence-  
ment of this  
Act.

(2) This section shall, for the purposes of any action which has been brought under the provisions of the said *The Divorce Act Ontario), 1930*, be deemed to have been in force since the 30th day of May, 1930.

Commence-  
ment of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.



BILL

An Act to amend The Marriage Act.

---

*1st Reading*

March 8th, 1933

*2nd Reading*

March 27th, 1933

*3rd Reading*

April 6th, 1933

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Mr. PRICE (Parkdale)

---

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Planning and Development Act.

---

MR. LAUGHTON

---

No. 54

1933

# BILL

## An Act to amend The Planning and Development Act.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Planning and Development Act, 1933*.

Rev. Stat.,  
c. 236, s. 5,  
subs. 6,  
amended.

**2.** Subsection 6 of section 5 of *The Planning and Development Act* is amended by adding after the word "city" where it occurs in the second and third lines the words "town or village" so that the subsection shall now read as follows:

Fee to be  
paid to  
municipality  
on approval  
of plan.

(6) Any person surveying and subdividing into lots any land situated within the boundaries of any city, town or village shall pay to the treasurer of such city, town or village at the time of the application for the approval of the council thereof, a fee of five cents per foot frontage for all land surveyed and subdivided by such plan and fronting upon any highway already existing or laid out upon such plan, and the council may withhold its approval of such plan until payment of the proper fees payable hereunder.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

The present subsection provides that any person subdividing into lots any land situate within a *city* must pay a fee of five cents per foot frontage to the treasurer upon all lands surveyed and subdivided and fronting upon a highway. The proposed amendment is to extend the application of the subsection to towns and villages, as the section as a whole extends to such municipalities.

BILL

An Act to amend The Planning and  
Development Act.

---

*1st Reading*

March 9th, 1933

*2nd Reading*

*3rd Reading*

---

MR. LAUGHTON

---



4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Planning and Development Act.

---

MR. LAUGHTON

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No. 54

1933

# BILL

An Act to amend The Planning and Development Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Planning and Development Act, 1933*.

Rev. Stat.,  
c. 236, s. 5,  
subs. 6,  
amended.

**2.** Subsection 6 of section 5 of *The Planning and Development Act* is amended by adding after the word "city" where it occurs in the second and third lines the words "town or village" so that the subsection shall now read as follows:

Fee to be  
paid to  
municipality  
on approval  
of plan.

(6) Any person surveying and subdividing into lots any land situated within the boundaries of any city, town or village or of any township within an urban zone shall pay to the treasurer of such city, town or village or of such township at the time of the application for the approval of the council thereof, a fee of five cents per foot frontage for all land surveyed and subdivided by such plan and fronting upon any highway already existing or laid out upon such plan, and the council may withhold its approval of such plan until payment of the proper fees payable hereunder.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

The present subsection provides that any person subdividing into lots any land situate within a *city* must pay a fee of five cents per foot frontage to the treasurer upon all lands surveyed and subdivided and fronting upon a highway. The proposed amendment is to extend the application of the subsection to towns and villages, as the section as a whole extends to such municipalities.

BILL

An Act to amend The Planning and  
Development Act.

---

*1st Reading*

March 9th, 1933

*2nd Reading*

March 13th, 1933

*3rd Reading*

---

MR. LAUGHTON

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*(Reprinted as amended by the Committee on  
Municipal Law)*

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Planning and Development Act.

---

MR. LAUGHTON

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# BILL

## An Act to amend The Planning and Development Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Planning and Development Act, 1933*.

Rev. Stat.,  
c. 236, s. 5,  
subs. 6,  
amended.

**2.** Subsection 6 of section 5 of *The Planning and Development Act* is amended by adding after the word "city" where it occurs in the second and third lines the words "town or village" so that the subsection shall now read as follows:

Fee to be  
paid to  
municipality  
on approval  
of plan.

(6) Any person surveying and subdividing into lots any land situated within the boundaries of any city, town or village or of any township within an urban zone shall pay to the treasurer of such city, town or village or of such township at the time of the application for the approval of the council thereof, a fee of five cents per foot frontage for all land surveyed and subdivided by such plan and fronting upon any highway already existing or laid out upon such plan, and the council may withhold its approval of such plan until payment of the proper fees payable hereunder.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.





BILL

An Act to amend The Planning and  
Development Act.

*1st Reading*

March 9th, 1933

*2nd Reading*

March 13th, 1933

*3rd Reading*

April 13th, 1933

MR. LAUGHTON

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

---

# BILL

An Act to amend The Mining Act.

---

MR. MCCREA

---

No. 55

1933

# BILL

## An Act to amend The Mining Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- Short title.      **1.** This Act may be cited as *The Mining Act, 1933*.
- Rev. Stat.,  
c. 45, s. 25,  
subs. 1,  
amended.      **2.** Subsection 1 of section 25 of *The Mining Act* is amended by striking out the words "any mining partnership" in the first and second lines thereof.
- Rev. Stat.,  
c. 45, s. 25,  
subs. 5,  
amended.      **3.** Subsection 5 of section 25 of *The Mining Act* is amended by striking out the words "and to mining partnerships" in the first line thereof.
- Rev. Stat.,  
c. 45, s. 31,  
subs. 1,  
amended.      **4.** Subsection 1 of section 31 of *The Mining Act* is amended by striking out the words "mining partnership", in the first line thereof.
- Rev. Stat.,  
c. 45, s. 98,  
subs. 2,  
amended      **5.** Subsection 2 of section 98 of *The Mining Act* is amended by adding at the end thereof the following words: "and there shall be performed at least five days' work per acre for such excess area within such time as may be prescribed by the Minister," so that the subsection shall now read as follows:
- Price to be  
paid where  
area exceeds  
prescribed  
area      **(2)** Where the area of the mining claim exceeds by more than five acres the prescribed area as defined in sections 53 and 54, and such claim is not reduced in size under the provisions of section 108, the price per acre of such area in excess of the area so prescribed shall be twice the price provided for in subsection 1 and there shall be performed at least five days work per acre for such excess area within such time as may be prescribed by the Minister.
- Rev. Stat.,  
c. 45,  
Sched. "A,"  
amended.      **6.—(1)** Items 3, 4, 5, 6, 7, 8, 9, 10 and 11 in Schedule "A" to *The Mining Act* are repealed, and the following substituted therefor:

#### EXPLANATORY NOTE

Sections 2, 3 and 4 of the Bill are to make the Mining Act conform with the repeal in 1931 of the provisions relating to registration of mining partnerships.

Section 5 is self explanatory.

Section 6 is to amend the scale of fees for mining licenses and renewals thereof so as to give a more equitable scale than the present schedule provides.

3. Every renewal of a miner's license for a mining partnership where there are not more than two partners... \$ 5.00
4. Every renewal of a miner's license for a mining partnership where there are more than two partners but not more than five partners..... 10.00
5. Every renewal of a miner's license for a mining partnership where there are more than five partners..... 50.00
6. The fee for a miner's license or renewal thereof payable by a duly incorporated company, or by a company licensed under *The Extra Provincial Corporations Act* to carry on business in Ontario, shall be based on the authorized capital, or in the case of a company shares of which have no par value shall be based on the actual value of the shares as shown by affidavit of the president or secretary of the company, or as may be determined by the Minister, according to the following scale, namely,—
  - (a) Where the capital so authorized, ascertained or determined is not over \$40,000..... 25.00
  - (b) Where the capital so authorized, ascertained or determined is over \$40,000 but does not exceed \$100,000..... 50.00
  - (c) Where the capital so authorized, ascertained or determined is over \$100,000 but does not exceed \$500,000..... 75.00
  - (d) Where the capital so authorized, ascertained or determined is over \$500,000 but does not exceed \$1,000,000..... 100.00
  - (e) Where the capital so authorized, ascertained or determined is over \$1,000,000 for each additional \$1,000,000 or fraction thereof..... 100.00

Provided that where the capital of a company authorized, ascertained or determined is over \$1,000,000, and it is by affidavit of the president or secretary thereof proved to the satisfaction of the Minister that any part of such capital is actually being used in some other business enterprise and not in mining business within Ontario, such part may be deducted in fixing the fee payable as above set forth.

(2) Item 28 in said Schedule "A" is amended by inserting after the word "time" in the second line thereof the words: "per claim."

Commence-  
ment of Act. 7. This Act shall come into force on the day upon which it receives the Royal Assent.









BILL

An Act to amend The Mining Act.

---

*1st Reading*

February 17th, 1933

*2nd Reading*

*3rd Reading*

---

MR. MCCREA

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No. 55

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Mining Act.

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MR. MCCREA

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TORONTO  
PRINTED BY HERBERT H. BALL  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 55

1933

# BILL

## An Act to amend The Mining Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title

1. This Act may be cited as *The Mining Act, 1933*.

Rev. Stat.,  
c. 45, s. 25,  
subs. 1,  
amended.

2.—(1) Subsection 1 of section 25 of *The Mining Act* is amended by striking out the words "any mining partnership" in the first and second lines thereof.

Rev. Stat.,  
c. 45, s. 25,  
subs. 5,  
amended.

(2) Subsection 5 of the said section 25 is amended by striking out the words "and to mining partnerships" in the first line thereof.

Rev. Stat.,  
c. 45, s. 31,  
subs. 1,  
amended.

3. Subsection 1 of section 31 of *The Mining Act* is amended by striking out the words "mining partnership" in the first line thereof.

Rev. Stat.,  
c. 45, s. 98,  
subs. 2,  
amended

4. Subsection 2 of section 98 of *The Mining Act* is amended by adding at the end thereof the following words: "and there shall be performed at least five days' work per acre for such excess area within such time as may be prescribed by the Minister," so that the subsection shall now read as follows:

Price to be  
paid where  
area exceeds  
prescribed  
area

(2) Where the area of the mining claim exceeds by more than five acres the prescribed area as defined in sections 53 and 54, and such claim is not reduced in size under the provisions of section 108, the price per acre of such area in excess of the area so prescribed shall be twice the price provided for in subsection 1 and there shall be performed at least five days work per acre for such excess area within such time as may be prescribed by the Minister.

Rev. Stat.,  
c. 45,  
Sched. "A."  
amended.

5.—(1) Items 3, 4, 5, 6, 7, 8, 9, 10 and 11 in Schedule "A" to *The Mining Act* are repealed, and the following substituted therefor:

3. Every renewal of a miner's license for a mining partnership where there are not more than two partners... \$ 5.00
4. Every renewal of a miner's license for a mining partnership where there are more than two partners but not more than five partners..... 10.00
5. Every renewal of a miner's license for a mining partnership where there are more than five partners..... 20.00
6. The fee for a miner's license or renewal thereof payable by a duly incorporated company, or by a company licensed under *The Extra Provincial Corporations Act* to carry on business in Ontario, shall be based on the authorized capital, or in the case of a company shares of which have no par value shall be based on the actual value of the shares as shown by affidavit of the president or secretary of the company, or as may be determined by the Minister, according to the following scale, namely,—
  - (a) Where the capital so authorized, ascertained or determined is not over \$40,000..... 25.00
  - (b) Where the capital so authorized, ascertained or determined is over \$40,000 but does not exceed \$100,000..... 50.00
  - (c) Where the capital so authorized, ascertained or determined is over \$100,000 but does not exceed \$500,000..... 75.00
  - (d) Where the capital so authorized, ascertained or determined is over \$500,000 but does not exceed \$1,000,000..... 100.00
  - (e) Where the capital so authorized, ascertained or determined is over \$1,000,000 for each additional \$1,000,000 or fraction thereof..... 100.00

Provided that where the capital of a company authorized, ascertained or determined is over \$1,000,000, and it is by affidavit of the president or secretary thereof proved to the satisfaction of the Minister that any part of such capital is actually being used in some other business enterprise and not in mining business within Ontario such part may be deducted in fixing the fee payable as above set forth.

(2) Item 28 in said Schedule "A" is amended by inserting after the word "him" in the second line thereof the words: "per claim."

Rev. Stat  
c. 45,  
Sched. "A",  
item 28  
amended.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence  
ment of Act.

BILL

An Act to amend The Mining Act.

---

*1st Reading*

February 17th, 1933

*2nd Reading*

February 24th, 1933

*3rd Reading*

April 13th, 1933

---

MR. McCREA

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No. 56

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

---

# BILL

An Act to amend The Mechanics' Lien Act.

---

MR. PRICE (Parkdale)

---



No. 56

1933

# BILL

An Act to amend The Mechanics' Lien Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Mechanics' Lien Act, 1933*.

Rev. Stat.,  
c. 173, s. 35,  
amended.

**2.** Section 35 of *The Mechanics' Lien Act* is amended by adding thereto the following subsection:

Trial of  
action.

(7) An action may be tried by any officer having jurisdiction to try actions, notwithstanding that the time and place for the trial thereof was appointed and fixed by another officer having jurisdiction.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE.

Doubt having arisen as to whether one assistant master may try a mechanic's lien action if he was not the officer to fix the date of trial, it is desirable to amend the Act so that such doubt is removed, thereby avoiding confusion, delay and recurrence of unnecessary costs in the disposition of such cases.

BILL

An Act to amend 'The Mechanics'  
Lien Act.

*1st Reading*

February 17th, 1933

*2nd Reading*

*3rd Reading*

MR. PRICE (Parkdale)

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

---

# BILL

An Act to amend The Mechanics' Lien Act.

---

MR. PRICE (Parkdale)

---

No. 56

1933

# BILL

An Act to amend The Mechanics' Lien Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Mechanics' Lien Act, 1933*.

Rev. Stat.,  
c. 173, s. 35,  
amended.      **2.** Section 35 of *The Mechanics' Lien Act* is amended by adding thereto the following subsection:

Trial of  
action.      (7) An action may be tried by any officer having jurisdiction to try actions, notwithstanding that the time and place for the trial thereof was appointed and fixed by another officer having jurisdiction.

Commence-  
ment of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.



---

BILL

An Act to amend The Mechanics'  
Lien Act.

---

*1st Reading*

February 17th, 1933

*2nd Reading*

February 22nd, 1933

*3rd Reading*

March 29th, 1933

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MR. PRICE (Parkdale)

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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## BILL

An Act to amend The Bills of Sale and Chattel Mortgages Act.

---

MR. PRICE (Parkdale)

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No. 57

1933

# BILL

## An Act to amend The Bills of Sale and Chattel Mortgages Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title;      **1.** This Act may be cited as *The Bills of Sale and Chattel Mortgages Act, 1933*.

Rev. Stat.,  
c. 164, s. 24,  
amended.      **2.** Section 24 of *The Bills of Sale and Chattel Mortgages Act* is amended by adding thereto the following subsection:

Registration  
of renewals  
after  
statutory  
period.

(11) Where a statement of renewal is not duly registered within the time prescribed by this section, the judge of the county or district court may permit the same to be registered at a later date upon being satisfied by affidavit, or affidavits, that the failure to register arose from misadventure, ignorance or some other cause which constitutes a reasonable excuse, and that the parties have acted and are acting in good faith, but in such case the renewal statement shall as against creditors of the mortgagor, or as against subsequent purchasers or mortgagees in good faith for valuable consideration, be deemed to have been executed and to be effective only from the date of registration.

Commence-  
ment of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

The statute now enables a county or district judge to permit of registration after the stipulated date of a chattel mortgage if satisfied that it is proper to do so. It is felt desirable that the same power be granted with respect to registration of renewal statements. The new subsection is expressed in the same language as is employed in section 10 of the Act dealing with registration of mortgages.

BILL

An Act to amend The Bills of Sale and  
Chattel Mortgages Act.

---

*1st Reading*

February 17th, 1933

*2nd Reading*

*3rd Reading*

---

MR. PRICE (Parkdale)

---

No. 57

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

---

# BILL

An Act to amend The Bills of Sale and Chattel Mortgages Act.

---

MR. PRICE (Parkdale)

---

No. 57

1933

# BILL

## An Act to amend The Bills of Sale and Chattel Mortgages Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Bills of Sale and Chattel Mortgages Act, 1933*.

Rev. Stat.,  
c. 164, s. 24  
amended.

**2.** Section 24 of *The Bills of Sale and Chattel Mortgages Act* is amended by adding thereto the following subsection:

Registration  
of renewals  
after  
statutory  
period

- (11) Where a statement of renewal is not duly registered within the time prescribed by this section, the judge of the county or district court may permit the same to be registered at a later date upon being satisfied by affidavit, or affidavits, that the failure to register arose from misadventure, ignorance or some other cause which constitutes a reasonable excuse, and that the parties have acted and are acting in good faith, but in such case the renewal statement shall as against creditors of the mortgagor, or as against subsequent purchasers or mortgagees in good faith for valuable consideration who have purchased or have given credit after the expiry of the mortgage but before registration be deemed to have been executed and to be effective only from the date of registration.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

The statute now enables a county or district judge to permit of registration after the stipulated date of a chattel mortgage if satisfied that it is proper to do so. It is felt desirable that the same power be granted with respect to registration of renewal statements. The new subsection is expressed in the same language as is employed in section 10 of the Act dealing with registration of mortgages.



BILL

An Act to amend The Bills of Sale and  
Chatte! Mortgages Act.

*1st Reading*

February 17th, 1933

*2nd Reading*

February 22nd, 1933

*3rd Reading*

MR. PRICE (Parkdale)

(Reprinted as amended in Committee of the  
Whole House)

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

---

# BILL

An Act to amend The Bills of Sale and Chattel Mortgage Act.

---

MR. PRICE (Parkdale)

---

No. 57

1933

# BILL

## An Act to amend The Bills of Sale and Chattel Mortgage Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Bills of Sale and Chattel Mortgage Act, 1933*.

Rev. Stat.,  
c. 164, s. 24,  
amended.      **2.** Section 24 of *The Bills of Sale and Chattel Mortgage Act* is amended by adding thereto the following subsection:

Registration  
of renewals  
after  
statutory  
period.

- (11) Where a statement of renewal is not duly registered within the time prescribed by this section, the judge of the county or district court may permit the same to be registered at a later date upon being satisfied by affidavit, or affidavits, that the failure to register arose from misadventure, ignorance or some other cause which constitutes a reasonable excuse, and that the parties have acted and are acting in good faith, but in such case the renewal statement shall as against creditors of the mortgagor, or as against subsequent purchasers or mortgagees in good faith for valuable consideration who have purchased or have given credit after the expiry of the mortgage but before registration be deemed to have been executed and to be effective only from the date of registration.

Commence-  
ment of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.



BILL

An Act to amend The Bills of Sale and  
Chattel Mortgage Act.

*1st Reading*

February 17th, 1933

*2nd Reading*

February 22nd, 1933

*3rd Reading*

March 29th, 1933

MR. PRICE (Parkdale)

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Execution Act.

---

MR. KENNEDY (Peel)

---

No. 58

1933

# BILL

An Act to amend The Execution Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Execution Act, 1933*.

Rev. Stat.  
c. 112,  
sec. 2,  
cl. 6  
amended.

2. Clause *e* of section 2 of *The Execution Act*, is amended by striking out the word "and" before the word "twelve" in the first line, and by inserting after the word "hens" in the first line, the words, "and one team of horses and harness necessary for the same," so that the clause shall now read as follows:

Animals.

(*e*) One cow, six sheep, four hogs, twelve hens and one team of horses and harness necessary for the same, in all not exceeding the value of \$200, and food therefor for thirty days, and one dog.

Commence-  
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.



#### EXPLANATORY NOTE

The object of the Bill is to extend the exemption from seizure by the addition of one team of horses and necessary harness, so that a farmer for instance, will not be deprived of an essential means to the operation of his farm.

BILL  
An Act to amend The Execution Act.

---

*1st Reading*

February 17th, 1933.

*2nd Reading*

*3rd Reading*

---

MR. KENNEDY (Peel)

---

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

---

# BILL

An Act to amend The Execution Act.

---

MR. KENNEDY (Peel)

---

No. 58

1933

# BILL

## An Act to amend The Execution Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Execution Act, 1933*.

Rev. Stat.  
c. 112,  
sec. 2,  
cl. 8  
amended.

2. Clause *e* of section 2 of *The Execution Act*, is amended by striking out the word "and" before the word "twelve" in the first line, and by inserting after the word "hens" in the first line, the words, "and one team of horses and harness necessary for the same," so that the clause shall now read as follows:

Animals.

(*e*) One cow, six sheep, four hogs, twelve hens and one team of horses and harness necessary for the same, in all not exceeding the value of \$200, and food therefor for thirty days, and one dog.

Commence-  
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.



BILL

An Act to amend The Execution Act.

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*1st Reading*

February 17th, 1933.

*2nd Reading*

February 24th, 1933

*3rd Reading*

March 17th, 1933

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MR. KENNEDY (Peel)

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No. 59

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Deserted Wives' and Children's Maintenance Act.

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MR. PRICE (Parkdale)

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TORONTO  
PRINTED BY HERBERT H. BALL  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 59

1933

# BILL

## An Act to amend The Deserted Wives' and Children's Maintenance Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Deserted Wives' and Children's Maintenance Act, 1933*.

Rev. Stat.,  
c. 184, s. 1,  
amended.      **2.** Section 1 of *The Deserted Wives' and Children's Maintenance Act* is amended by adding thereto the following subsection,—

What may  
constitute  
cruelty.      (2a) Without restricting in any way the generality of the provisions of subsection 2, conduct causing reasonable apprehension of bodily injury, or of injury to health, without proof of actual personal violence, which renders the home an unfit place, either for a wife or a child, may be held to constitute acts of cruelty within the meaning of subsection 2.

Commence-  
ment of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.



#### EXPLANATORY NOTES

Under *The Deserted Wives' and Children's Maintenance Act*, a married woman shall be deemed to have been deserted when she is living apart from her husband because of his acts of cruelty.

Cruelty must more or less be determined from the facts in each case, but it is thought advisable to set out what a Judge may consider to be "cruelty" for the purposes of this Act, without attempting to define or limit the meaning of the word in any way.

BILL

An Act to amend 'The Deserted Wives' and  
Children's Maintenance Act.

*1st Reading*

February 20th, 1933

*2nd Reading*

*3rd Reading*

MR. PRICE (Parkdale)

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Deserted Wives' and Children's Maintenance Act.

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MR. PRICE (Parkdale)

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No. 59

1933

# BILL

## An Act to amend The Deserted Wives' and Children's Maintenance Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Deserted Wives' and Children's Maintenance Act, 1933*.

Rev. Stat.,  
c. 184, s. 1,  
amended.      **2.** Section 1 of *The Deserted Wives' and Children's Maintenance Act* is amended by adding thereto the following subsection:

What may  
constitute  
cruelty.      (2a) Without restricting in any way the generality of the provisions of subsection 2, conduct causing reasonable apprehension of bodily injury, or of injury to health, without proof of actual personal violence, which renders the home an unfit place, either for a wife or a child, may be held to constitute acts of cruelty within the meaning of subsection 2.

Commence-  
ment of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.



BILL

An Act to amend 'The Deserted Wives' and  
Children's Maintenance Act.

---

*1st Reading*

February 20th, 1933

*2nd Reading*

February 22nd, 1933

*3rd Reading*

March 29th, 1933

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MR. PRICE (Parkdale)

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No. 60

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4TH<sup>1</sup> SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act respecting Collection Agencies.

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MR. PRICE (Parkdale)

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TORONTO  
PRINTED BY HERBERT H. BALL  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 60

1933

# BILL

An Act respecting Collection Agencies.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Collection Agencies Act, 1933*.

Interpre-  
tation.

2. In this Act,—

"Collection  
agency."

(a) "Collection agency" shall mean and include an individual, firm or corporation, carrying on the business of collecting debts for other persons in consideration of the payment of a commission upon the amount collected or otherwise, or of taking assignments of debts and charging a fixed fee therefor, whether the principal or head office of such agency is in Canada or elsewhere, but shall not include a solicitor collecting or attempting to collect debts for his client, or a trustee in bankruptcy or insolvency";

"Pre-  
scribed."

(b) "Prescribed" shall mean prescribed by this Act;

"Regu-  
lations."

(c) "Regulations" shall mean regulations made under the authority of this Act.

Agency  
must be  
licensed in  
Ontario.

3. A collection agency shall not carry on the business of collecting debts in Ontario until such agency has been duly licensed as provided by this Act and the regulations.

License,—  
issue of.

4. All licenses shall be issued by The Ontario Securities Commission, upon such agency furnishing such information as may be required by such Commission.

Power  
to refuse,  
suspend or  
revoke.

5. The Ontario Securities Commission shall administer the provisions of this Act and may refuse a license or renew, suspend or revoke any license issued.

License fee  
adjustment.

6. Where a license is revoked, the licensee shall be entitled to a refund of a part of the license fee proportionate to the unexpired part of the term for which it was granted.



## EXPLANATORY NOTES

*The Collection Agencies Act, 1932*, was limited in its operation to agencies that had their head offices outside Ontario.

Experience of the past year in reference to the methods adopted by some collection agencies that did not come within the 1932 Act, justify the extension of the Act so that all collection agencies in the Province may be licensed, regulated and controlled. By reason of the lack of such licensing and regulating, agencies operating in Ontario have employed in their operations improper and high-handed methods with no proper accounting or deposit of moneys collected.

This Act brings all collection agencies who collect moneys, directly under proper supervision, regulation and control. It is a protection to the public and will go far to prevent fraud.

It is a good thing for a collection agency to be so licensed and regulated, as it will undoubtedly have the effect of saving many from trouble when they know the conditions under which they must operate.

Section 2 (a) defines collection agency, and excepts solicitors and trustees in bankruptcy. Solicitors are under supervision by the Benchers of the Law Society and trustees in bankruptcy are regulated by the provisions of *The Bankruptcy Act* (Dominion), and the Superintendent of Bankruptcy.

Section 3 requires a collection agency to obtain a license to carry on business in Ontario.

Sections 4 and 5 gives The Ontario Securities Commission power to grant licenses, to administer the Act, and to refuse, suspend or revoke any license.

Section 6 provides for a readjustment of the fee when a license is revoked.

Amount of  
license fee.

**7.** The annual license fee for a collection agency carrying on business in Ontario which has its principal or head office outside of Canada shall be \$50, and for any other collection agency shall be \$2; all such licenses may be renewed from year to year and the same fee as above mentioned shall be paid on each renewal.

Moneys  
collected to  
be deposited.

**8.** All moneys collected by a collection agency shall be deposited in a trust account in some chartered bank carrying on business in the Province of Ontario, or a trust company authorized by law to take deposits. The manner of making such deposits, and the control and disposition of the same shall be subject and conform to the regulations.

Books of  
account to  
be kept.

**9.** Proper records and books of account shall be kept by a collection agency showing moneys received and moneys paid out; the manner of keeping such books of account and records shall be subject and conform to the regulations.

Collection  
agency to  
account.

**10.** A collection agency shall, without any notice or demand, within thirty days after the receipt of any money collected, account for all moneys so received to the person entitled to such accounting; and in addition to such obligation, every collection agency shall, upon demand made by any person entitled to an accounting or by The Ontario Securities Commission, duly account for all moneys received and collected.

Forms and  
notices to be  
filed with  
Ontario  
Securities  
Commission.

**11.** Copies of all forms of notices, agreements, accounting systems, books of account and other forms used or proposed to be used by a collection agency for the purpose of its business in Ontario, shall be filed with The Ontario Securities Commission.

License to be  
displayed.

**12.** Every collection agency shall keep its license displayed in a conspicuous place at the office of such agency.

Penalties.

**13.** Every collection agency carrying on business in Ontario without the license required by this Act, or which fails to keep proper books of account and to deposit moneys in a trust account or to account as provided by this Act, or who contravenes any of the provisions of this Act or the regulations, shall be guilty of an offence and incur a penalty of not less than \$50 nor more than \$200 for each offence.

Penalty for  
employing  
unlicensed  
agency.

**14.** Every person who knowingly employs a collection agency not having the license required by this Act, or causes or procures letters or notices to be sent to or verbal demands to be made upon debtors or alleged debtors by a collection

Section 7 prescribes the amount of the license fee.

Section 8. All moneys collected must be deposited in a trust account.

Section 9. Proper books of account must be kept.

Section 10. A collection agency must account within thirty days for all moneys collected, and must account on demand by the party entitled to the money, or when required by The Ontario Securities Commission.

Section 11. Forms and notices used in the business must be filed with The Ontario Securities Commission.

Section 12. The license must be posted up in office.

Section 13 prescribes penalties for carrying on without a license, failure to deposit in trust account, and to account.

Section 14 makes it an offence to employ an unlicensed collection agency.

agency not having such license, shall be guilty of an offence and incur a penalty of not less than \$50 nor more than \$200 for each offence.

Recovery  
of penalty.  
Rev. Stat.,  
c. 121.

**15.** The penalties provided by this Act shall be recoverable under *The Summary Convictions Act*.

Regulations.

**16.** The Lieutenant-Governor in Council may make regulations,—

- (a) prescribing the form of license and application therefor under this Act;
- (b) fixing the amount of security, if any, to be given by a licensee;
- (c) prohibiting the use of any particular method in the collection of debts;
- (d) requiring collection agencies to make such returns and furnish such information to The Ontario Securities Commission as the Commission may from time to time require;
- (e) prescribing the manner of making deposits and the control and disposition thereof; and the keeping of records, books, accounting systems and audits;
- (f) generally for the better carrying out of the provisions of this Act.

1932, c. 51,  
repealed.

**17.** *The Collection Agencies Act, 1932* is hereby repealed.

Commence-  
ment of Act.

**18.** This Act shall come into force on the day upon which it receives the Royal Assent.

Section 15. Penalties to be recoverable under *The Summary Convictions Act*.

Section 16 gives the Lieutenant-Governor in Council power to make regulations.

Section 17 repeals the Act of 1932.

BILL

An Act respecting Collection Agencies.

---

*1st Reading*

February 20th, 1933

*2nd Reading*

*3rd Reading*

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MR. PRICE (Parkdale)

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act respecting Collection Agencies.

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MR. PRICE (Parkdale)

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No. 60

1933

# BILL

## An Act respecting Collection Agencies.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Collection Agencies Act, 1933*.

Interpretation.

"Collection agency."

2. In this Act,—

(a) "Collection agency" shall mean and include an individual, firm or corporation, carrying on the business of collecting debts for other persons in consideration of the payment of a commission upon the amount collected or otherwise, or of taking assignments of debts and charging a fixed fee therefor, whether the principal or head office of such agency is in Canada or elsewhere, but shall not include a solicitor collecting or attempting to collect debts for his client, or any insurer, agent or broker licensed under *The Insurance Act* to the extent of the business authorized by such license, or a trustee in bankruptcy or insolvency;

"Prescribed."

(b) "Prescribed" shall mean prescribed by this Act;

"Regulations."

(c) "Regulations" shall mean regulations made under the authority of this Act.

Agency must be licensed in Ontario.

3. A collection agency shall not carry on the business of collecting debts in Ontario until such agency has been duly licensed as provided by this Act and the regulations.

License,—issue of.

4. All licenses shall be issued by The Ontario Securities Commission, upon such agency furnishing such information as may be required by such Commission.

Power to refuse, suspend or revoke.

5. The Ontario Securities Commission shall administer the provisions of this Act and may refuse a license or renew, suspend or revoke any license issued.

License fee adjustment.

6. Where a license is revoked, the licensee shall be entitled to a refund of a part of the license fee proportionate to the unexpired part of the term for which it was granted.



7. The annual license fee for a collection agency carrying on business in Ontario which has its principal or head office outside of Canada shall be \$50, and for any other collection agency shall be \$2; all such licenses may be renewed from year to year and the same fee as above mentioned shall be paid on each renewal. Amount of license fee.

8. All moneys collected by a collection agency shall be deposited in a trust account in some chartered bank carrying on business in the Province of Ontario, or a trust company authorized by law to take deposits. The manner of making such deposits, and the control and disposition of the same shall be subject and conform to the regulations. Moneys collected to be deposited.

9. Proper records and books of account shall be kept by a collection agency showing moneys received and moneys paid out; the manner of keeping such books of account and records shall be subject and conform to the regulations. Books of account to be kept.

10. A collection agency shall, without any notice or demand, within thirty days after the receipt of any money collected, account for all moneys so received to the person entitled to such accounting; and in addition to such obligation, every collection agency shall, upon demand made by any person entitled to an accounting or by The Ontario Securities Commission, duly account for all moneys received and collected. Collection agency to account.

11. Copies of all forms of notices, agreements, accounting systems, books of account and other forms used or proposed to be used by a collection agency for the purpose of its business in Ontario, shall be filed with The Ontario Securities Commission. Forms and notices to be filed with Ontario Securities Commission.

12. Every collection agency shall keep its license displayed in a conspicuous place at the office of such agency. License to be displayed.

13. Every collection agency carrying on business in Ontario without the license required by this Act, or which fails to keep proper books of account and to deposit moneys in a trust account or to account as provided by this Act, or who contravenes any of the provisions of this Act or the regulations, shall be guilty of an offence and incur a penalty of not less than \$50 nor more than \$200 for each offence. Penalties.

14. Every person who knowingly employs a collection agency not having the license required by this Act, or causes or procures letters or notices to be sent to or verbal demands to be made upon debtors or alleged debtors by a collection Penalty for employing unlicensed agency.

agency not having such license, shall be guilty of an offence and incur a penalty of not less than \$50 nor more than \$200 for each offence.

Recovery  
of penalty.  
Rev. Stat.,  
c. 121.

**15.** The penalties provided by this Act shall be recoverable under *The Summary Convictions Act*.

Regulations.

**16.** The Lieutenant-Governor in Council may make regulations,—

- (a) prescribing the form of license and application therefor under this Act;
- (b) fixing the amount of security, if any, to be given by a licensee;
- (c) prohibiting the use of any particular method in the collection of debts;
- (d) requiring collection agencies to make such returns and furnish such information to The Ontario Securities Commission as the Commission may from time to time require;
- (e) prescribing the manner of making deposits and the control and disposition thereof; and the keeping of records, books, accounting systems and audits;
- (f) generally for the better carrying out of the provisions of this Act.

1932, c. 51,  
repealed.

**17.** *The Collection Agencies Act, 1932*, is hereby repealed.

Commence-  
ment of Act.

**18.** This Act shall come into force on the day upon which it receives the Royal Assent.







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BILL

An Act respecting Collection Agencies.

---

*1st Reading*

February 20th, 1933

*2nd Reading*

February 22nd, 1933

*3rd Reading*

April 6th, 1933

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MR. PRICE (Parkdale)

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

---

# BILL

An Act to conserve and improve the Valley of the Don River.

---

MR. HEIGHINGTON

---

No. 61

1933

# BILL

An Act to conserve and improve the Valley of  
the Don River.

Preamble.

**W**HEREAS it appears desirable that provision be made to meet changing conditions in traffic distribution in and about the city of Toronto, in the county of York, by opening traffic arteries through the district known as the Don River Valley; and whereas it is contemplated that the work involved in any such undertaking or development will provide a measure of relief for the unemployed in the municipalities thereby affected;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Don Valley Improvement Act, 1933*.

Authority  
for develop-  
ment of Don  
Valley.

**2.** The council of the city of Toronto, and the council of the town of Leaside and the councils of the townships of East York and North York, may pass by-laws for the creation and maintenance of any or all of the following undertakings or developments in and through the area known as the Valley of the River Don and its contributory streams,—

- (a) public walks, bridle paths, gardens, parks or park-ways;
- (b) a system of arterial roads for the better distribution of vehicular traffic;
- (c) general suburban development.

Provision  
for taking  
over high-  
ways and  
lands.

**3.** The by-law may provide for the acquisition of any highway or land within the limits of the municipality passing the by-law and of any highway or land within the limits of any of the said municipalities.

Authority  
for issuing  
debentures.

**4.—(1)** The council of any of the said municipalities may from time to time pass a by-law or by-laws to authorize the



#### EXPLANATORY NOTES

The object of this Bill which is permissive in character, is to enable the municipalities of Toronto, Leaside, East York and North York to enter into agreements for the development and improvement of the Don Valley according to a comprehensive scheme, the whole or any part of the development to be carried out as and when the four municipalities concerned may enter into agreements for the purpose.

If any part of the scheme is undertaken under agreement the municipality may issue debentures to cover the cost without a vote of the rate-payers, and section 6 of the Bill stipulates that no by-law is to be effective until all the municipalities party to any agreement have passed assenting by-laws.

issue of debentures to raise the amount of the proportion of the cost of any such undertaking or development payable by such municipality.

Assent of electors not requisite.

(2) It shall not be necessary to obtain the assent of the electors qualified to vote on money by-laws, to the passing of any by-law authorizing the issue of debentures as set out in this section, or to observe in respect thereto the formalities prescribed by *The Municipal Act* in respect to the passing of money by-laws.

Rev. Stat., c. 233.

Term of, and interest upon debentures.

(3) The debentures issued under the provisions of any such by-law shall be payable within such time and shall bear interest at such rate as the council shall in such by-law determine and interest thereon may be made payable in any manner authorized by *The Municipal Act*.

Debentures validated.

(4) All debentures issued under the authority of this Act shall be legal, valid and binding upon the corporation and the ratepayers thereof respectively notwithstanding any irregularity in the form of any such debentures or in any by-law authorizing the issue thereof.

Authority for agreement.

5. Any such by-law may authorize the municipality to enter into agreement with all or any of the said municipalities with regard to the nature and extent of the undertaking or development and the proportion of cost to be borne by each municipality.

When by-laws to take effect.

6. The by-law shall not take effect unless or until it receives the assent by by-law of the council of all the municipalities joining in any such agreement.

Application of Rev. Stat., c. 54.

7. Any such undertaking or development, on completion, shall be subject to *The Highway Improvement Act*.

Commencement of Act.

8. This Act shall come into force on the day upon which it receives the Royal Assent.







BILL

An Act to conserve and improve the  
Valley of the Don River.

---

*1st Reading*

February 20th, 1933

*2nd Reading*

*3rd Reading*

---

MR. HEIGHINGTON

---

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

---

# BILL

An Act to conserve and improve the Valley of the Don River.

---

MR. HEIGHINGTON

---

No. 61

1933

# BILL

An Act to conserve and improve the Valley of  
the Don River.

Preamble.

**W**HEREAS it appears desirable that provision be made to meet changing conditions in traffic distribution in and about the city of Toronto, in the county of York, by opening traffic arteries through the district known as the Don River Valley; and whereas it is contemplated that the work involved in any such undertaking or development will provide a measure of relief for the unemployed in the municipalities thereby affected;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Don Valley Improvement Act, 1933*.

Authority  
for develop-  
ment of Don  
Valley.

**2.**—(1) The council of the city of Toronto, and the council of the town of Leaside and the councils of the townships of East York and North York, may pass by-laws for the creation and maintenance of any or all of the following undertakings or developments in and through the area known as the Valley of the River Don and its contributory streams,—

(a) public walks, bridle paths, gardens, parks or park-ways;

(b) a system of arterial roads for the better distribution of vehicular traffic;

(c) general suburban development.

Agreement.



(2) Any such by-law may authorize the municipality passing the same to enter into an agreement or agreements with any one or more or all of the other of said municipalities respecting the said undertakings or developments, or any part or parts thereof, and as to the proportion of the cost thereof to be borne by each of the contracting municipalities.



#### EXPLANATORY NOTES

The object of this Bill which is permissive in character, is to enable the municipalities of Toronto, Leaside, East York and North York to enter into agreements for the development and improvement of the Don Valley according to a comprehensive scheme, the whole or any part of the development to be carried out as and when the four municipalities concerned may enter into agreements for the purpose.

If any part of the scheme is undertaken under agreement the municipality may issue debentures to cover the cost without a vote of the rate-payers, and section 6 of the Bill stipulates that no by-law is to be effective until all the municipalities party to any agreement have passed assenting by-laws.

Con-  
current  
action.

(3) No by-law of any one of the said municipalities passed under the provisions of subsection 1 shall take effect unless and until similar by-laws are passed and become effective of the other or others of said municipalities which are entering into an agreement respecting the said undertakings or developments or any part or parts thereof.

Acquisition  
of lands.

(4) Any by-law of a municipality passed under the authority of subsection 1 may provide for the acquisition and setting aside by such municipality for the purposes of the said undertakings or developments of any highways and land within such municipality, and of any highways and lands within any other or others of said municipalities.

Scope of  
agreements.

3. Any agreement entered into under the authority of this Act, in addition to making provision respecting the said undertakings or developments or any part thereof, may also make provision respecting the future control, operation and maintenance thereof, and the distribution of the annual cost of such operation and maintenance, and the manner and times of payment thereof, and otherwise respecting all matters arising out of or consequent upon the carrying out of such undertakings or developments.



Authority  
for issuing  
debentures.

4.—(1) The council of any of the said municipalities may from time to time pass a by-law or by-laws to authorize the issue of debentures to raise the amount of the proportion of the cost of any such undertaking or development payable by such municipality.

Assent of  
electors not  
requisite.

(2) It shall not be necessary to obtain the assent of the electors qualified to vote on money by-laws, to the passing of any by-law authorizing the issue of debentures as set out in this section, or to observe in respect thereto the formalities prescribed by *The Municipal Act* in respect to the passing of money by-laws.

Rev. Stat.,  
c. 233.

Term of, and  
interest upon  
debentures.

(3) The debentures issued under the provisions of any such by-law shall be payable within such time and shall bear interest at such rate as the council shall in such by-law determine and interest thereon may be made payable in any manner authorized by *The Municipal Act*.

Debentures  
validated.

(4) All debentures issued under the authority of this Act shall be legal, valid and binding upon the corporation and the ratepayers thereof respectively notwithstanding any irregularity in the form of any such debentures or in any by-law authorizing the issue thereof.



Approval of  
Ontario  
Municipal  
Board.



5.—(1) No by-law passed under the authority of section 4 without the assent of the electors qualified to vote on money by-laws shall have any force or effect until the same is approved by the Ontario Municipal Board.

Assent of  
electors.

(2) The said Board may require that any by-law before becoming effective or being approved by it shall be first assented to by the said electors, and may require that the by-law of any one or more of the said municipalities receive such assent, notwithstanding that the said Board does not require that such assent be obtained with respect to the by-law of any other or others of the said municipalities.

Notice of  
hearing.

(3) The Board shall not approve any such by-law which has not received the assent of the said electors until notice of the application for such approval has been given in such manner to such persons and for and at such time or times as the said Board may direct, and until any objection lodged with the Board pursuant to such notice has first been heard and determined.

Agree-  
ments.

6. No agreement entered into under this Act obligating any of the said municipalities to issue debentures or to provide moneys for which debentures are to be issued for any of the purposes mentioned in this Act shall have any force or effect until the same is approved by the Ontario Municipal Board and, *mutatis mutandis*, the provisions of section 5 shall apply to any such agreement.

Vote of  
council.

7. No agreement shall be entered into or by-law passed under the authority of this Act, except by a two-thirds vote of all the members of the council authorizing or passing the same.

Unemploy-  
ment relief.

8. Nothing in sections 5 or 6 contained shall prevent a council of any of the said municipalities participating in or undertaking any of the works authorized by this Act as a means of providing work for persons out of employment, if the amounts thereby to be expended for wages are payable in money or indirectly by affording direct relief under the provisions of *The Unemployment Relief Act, 1933*, so long as such expenditures are met out of the current revenues of the corporation or grants receivable from the Province of Ontario or Dominion of Canada for direct relief, or are to be provided by means of debentures issued under the authority of the said *Unemployment Relief Act*.



Commence-  
ment of Act.

9. This Act shall come into force on the day upon which it receives the Royal Assent.



# BILL

An Act to conserve and improve the  
Valley of the Don River.

---

*1st Reading*

February 20th, 1933

*2nd Reading*

February 22nd, 1933

*3rd Reading*

---

MR. HEIGHINGTON

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(Reprinted as amended by the Committee on  
Municipal Law).

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to conserve and improve the Valley of the Don River.

---

MR. HEIGHINGTON

---

No. 61

1933

# BILL

## An Act to conserve and improve the Valley of the Don River.

Preamble.

**W**HEREAS it appears desirable that provision be made to meet changing conditions in traffic distribution in and about the city of Toronto, in the county of York, by opening traffic arteries through the district known as the Don River Valley; and whereas it is contemplated that the work involved in any such undertaking or development will provide a measure of relief for the unemployed in the municipalities thereby affected;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Don Valley Improvement Act, 1933*.

Authority  
for develop-  
ment of Don  
Valley.

**2.—(1)** The council of the city of Toronto, and the council of the town of Leaside and the councils of the townships of East York and North York, may pass by-laws for the creation and maintenance of any or all of the following undertakings or developments in and through the area known as the Valley of the River Don and its contributory streams,—

- (a) public walks, bridle paths, gardens, parks or park-ways;
- (b) a system of arterial roads for the better distribution of vehicular traffic;
- (c) general suburban development.

Agreement.

**(2)** Any such by-law may authorize the municipality passing the same to enter into an agreement or agreements with any one or more or all of the other of said municipalities respecting the said undertakings or developments, or any part or parts thereof, and as to the proportion of the cost thereof to be borne by each of the contracting municipalities.



(3) No by-law of any one of the said municipalities passed under the provisions of subsection 1 shall take effect unless <sup>Con-current action.</sup> and until similar by-laws are passed and become effective of the other or others of said municipalities which are entering into an agreement respecting the said undertakings or developments or any part or parts thereof.

(4) Any by-law of a municipality passed under the authority <sup>Acquisition of lands.</sup> of subsection 1 may provide for the acquisition and setting aside by such municipality for the purposes of the said undertakings or developments of any highways and land within such municipality, and of any highways and lands within any other or others of said municipalities.

3. Any agreement entered into under the authority of <sup>Scope of agreements.</sup> this Act, in addition to making provision respecting the said undertakings or developments or any part thereof, may also make provision respecting the future control, operation and maintenance thereof, and the distribution of the annual cost of such operation and maintenance, and the manner and times of payment thereof, and otherwise respecting all matters arising out of or consequent upon the carrying out of such undertakings or developments.

4.—(1) The council of any of the said municipalities may <sup>Authority for issuing debentures.</sup> from time to time pass a by-law or by-laws to authorize the issue of debentures to raise the amount of the proportion of the cost of any such undertaking or development payable by such municipality.

(2) It shall not be necessary to obtain the assent of the <sup>Assent of electors not requisite.</sup> electors qualified to vote on money by-laws, to the passing of any by-law authorizing the issue of debentures as set out in this section, or to observe in respect thereto the formalities prescribed by *The Municipal Act* in respect to the passing of money by-laws. <sup>Rev. Stat., c. 233.</sup>

(3) The debentures issued under the provisions of any such <sup>Term of, and interest upon debentures.</sup> by-law shall be payable within such time and shall bear interest at such rate as the council shall in such by-law determine and interest thereon may be made payable in any manner authorized by *The Municipal Act*.

(4) All debentures issued under the authority of this Act <sup>Debentures validated.</sup> shall be legal, valid and binding upon the corporation and the ratepayers thereof respectively notwithstanding any irregularity in the form of any such debentures or in any by-law authorizing the issue thereof.

Approval of  
Ontario  
Municipal  
Board.

5.—(1) No by-law passed under the authority of section 4 without the assent of the electors qualified to vote on money by-laws shall have any force or effect until the same is approved by the Ontario Municipal Board.

Assent of  
electors.

(2) The said Board may require that any by-law before becoming effective or being approved by it shall be first assented to by the said electors, and may require that the by-law of any one or more of the said municipalities receive such assent, notwithstanding that the said Board does not require that such assent be obtained with respect to the by-law of any other or others of the said municipalities.

Notice of  
hearing.

(3) The Board shall not approve any such by-law which has not received the assent of the said electors until notice of the application for such approval has been given in such manner to such persons and for and at such time or times as the said Board may direct, and until any objection lodged with the Board pursuant to such notice has first been heard and determined.

Agree-  
ments.

6. No agreement entered into under this Act obligating any of the said municipalities to issue debentures or to provide moneys for which debentures are to be issued for any of the purposes mentioned in this Act shall have any force or effect until the same is approved by the Ontario Municipal Board and, *mutatis mutandis*, the provisions of section 5 shall apply to any such agreement.

Vote of  
council.

7. No agreement shall be entered into or by-law passed under the authority of this Act, except by a two-thirds vote of all the members of the council authorizing or passing the same.

Unemploy-  
ment relief.

8. Nothing in sections 5 or 6 contained shall prevent a council of any of the said municipalities participating in or undertaking any of the works authorized by this Act as a means of providing work for persons out of employment, if the amounts thereby to be expended for wages are payable in money or indirectly by affording direct relief under the provisions of *The Unemployment Relief Act, 1933*, so long as such expenditures are met out of the current revenues of the corporation or grants receivable from the Province of Ontario or Dominion of Canada for direct relief, or are to be provided by means of debentures issued under the authority of the said *Unemployment Relief Act*.

Commence-  
ment of Act.

9. This Act shall come into force on the day upon which it receives the Royal Assent.







BILL

An Act to conserve and improve the  
Valley of the Don River.

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*1st Reading*

February 20th, 1933

*2nd Reading*

February 22nd, 1933

*3rd Reading*

April 13th, 1933

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MR. HEIGHINGTON

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No. 62

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Municipal Act.

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MR. SINCLAIR

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TORONTO  
PRINTED BY HERBERT H. BALL  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act to amend The Municipal Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 233, s. 111,  
subs. 1, cl. a,  
amended.

1. Clause *a* of subsection 1 of section 111 of *The Municipal Act* is amended by adding thereto the following words, "If through inadvertence or error the name of a voter which should appear upon the voters' list has been omitted therefrom, such voter may apply to the municipal clerk and assessment commissioner, or chief assessor, for a certificate that his name has been improperly omitted from the voters' list, and the municipal clerk and assessment commissioner, or chief assessor, shall give such certificate over their joint signatures, which said certificate upon being presented to the deputy returning officer shall entitle the voter to vote and the deputy returning officer shall allow such voter to vote and shall proceed with such voter as if his name were entered upon the voters' list, and shall cause the word 'certificate' to be placed opposite such name in the poll book," so that the clause shall now read as follows:

Name of  
voter and  
provision  
enabling  
accidental  
omissions  
from list  
to be cured.

- (a) Except where there is no voters' list he shall ascertain that the name of such person or a name apparently intended for it is entered on the voters' list for the polling subdivision and is not entered upon the defaulters' list. If through inadvertence or error the name of a voter which should appear upon the voters' list has been omitted therefrom, such voter may apply to the municipal clerk and assessment commissioner, or chief assessor, for a certificate that his name has been improperly omitted from the voters' list, and the municipal clerk and assessment commissioner, or chief assessor, shall give such certificate over their joint signatures, which said certificate upon being presented to the deputy returning officer shall entitle the voter to vote and the deputy returning officer shall allow such voter



#### EXPLANATORY NOTE

In a number of instances on election day it is found that persons who are undoubtedly entitled to a vote have, through some oversight or error, been left off the Voters' List although their names are properly entered on the assessment roll. This gives rise to a great deal of dissatisfaction and the amendment is intended to overcome the trouble by permitting the proper municipal officials to issue certificates entitling such persons to vote upon being satisfied that the omission of their names from the Voters' List is purely accidental.

to vote and shall proceed with such voter as if his name were entered upon the voters' list, and shall cause the word "certificate" to be placed opposite such name in the poll book.

Commence-  
ment of Act. **2.** This Act shall come into force on the day upon which  
it receives the Royal Assent.







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BILL

An Act to amend The Municipal Act.

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*1st Reading*

February 22nd, 1933

*2nd Reading*

*3rd Reading*

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MR. SINCLAIR

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No. 63

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Boards of Education Act.

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MR. SINCLAIR

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TORONTO  
PRINTED BY HERBERT H. BALL  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 63

1933

# BILL

An Act to amend The Boards of Education Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Boards of Education Act, 1933*.

Rev. Stat.,  
c. 327, s. 7,  
amended.

**2.** Section 7 of *The Boards of Education Act* is amended by adding thereto the following subsection:

Vacancies  
within one  
month of  
annual  
election.

(3) Where such vacancy occurs within one month prior to the next annual election of members of the board it shall not be filled in the manner provided in subsection 1 and the office shall remain vacant until the next annual election when it shall be filled in the manner provided for holding the annual election, except that the person then elected to fill the vacancy shall hold office only for the remainder of the term for which his predecessor was elected.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.



#### EXPLANATORY NOTE

Under ordinary circumstances where a vacancy in the elected members of a Board of Education occurs the remaining members appoint some person to fill the vacancy.

It is thought desirable that if such vacancy occurs within a month of the next annual election it should be filled, not by the remaining members, but by the electors at the time of the annual election, and the amendment contained in this Bill is to make the necessary change in the Act.

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BILL

An Act to amend The Boards of Education  
Act.

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*1st Reading*

February 22nd, 1933

*2nd Reading*

*3rd Reading*

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MR. SINCLAIR

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Boards of Education Act.

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MR. SINCLAIR

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No. 63

1933

# BILL

An Act to amend The Boards of Education Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Boards of Education Act, 1933*.

Rev. Stat.,  
c. 327, s. 7,  
amended.

**2.** Section 7 of *The Boards of Education Act* is amended by adding thereto the following subsection:

Vacancies  
within one  
month of  
annual  
election.



(3) Where a vacancy occurs within one month of the time for the next ensuing annual election it shall not be filled in the manner provided by subsection 1, but the office shall remain vacant until the annual election and if the term of the vacant office then expires a new trustee shall be elected or if the term of the vacant office does not then expire some duly qualified person shall be elected at such annual election to fill the vacancy for the unexpired term of office for which his predecessor was elected.



Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

Under ordinary circumstances where a vacancy in the elected members of a Board of Education occurs the remaining members appoint some person to fill the vacancy.

It is thought desirable that if such vacancy occurs within a month of the next annual election it should be filled, not by the remaining members, but by the electors at the time of the annual election, and the amendment contained in this Bill is to make the necessary change in the Act.

BILL

An Act to amend The Boards of Education  
Act.

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*1st Reading*

February 22nd, 1933

*2nd Reading*

March 8th, 1933

*3rd Reading*

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MR. SINCLAIR

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(Reprinted as amended by the Committee on  
*Municipal Law*)

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Boards of Education Act.

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MR. SINCLAIR

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No. 63

1933

# BILL

An Act to amend The Boards of Education Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Boards of Education Act, 1933*.

Rev. Stat.,  
c. 327, s. 7,  
amended.

**2.** Section 7 of *The Boards of Education Act* is amended by adding thereto the following subsection:

Vacancies  
within one  
month of  
annual  
election.

(3) Where a vacancy occurs within one month of the time for the next ensuing annual election it shall not be filled in the manner provided by subsection 1, but the office shall remain vacant until the annual election and if the term of the vacant office then expires a new trustee shall be elected or if the term of the vacant office does not then expire some duly qualified person shall be elected at such annual election to fill the vacancy for the unexpired term of office for which his predecessor was elected.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.





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BILL

An Act to amend The Boards of Education  
Act.

---

*1st Reading*

February 22nd, 1933

*2nd Reading*

March 8th, 1933

*3rd Reading*

April 13th, 1933

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MR. SINCLAIR

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Assessment Act.

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MR. SINCLAIR

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# BILL

## An Act to amend The Assessment Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 238, s. 4,  
para. 1,  
amended.

1. The paragraph numbered 1 of section 4 of *The Assessment Act* is amended by adding thereto the following words, "but, in the latter case, not if occupied by any person who is not a member of a tribe or body of Indians," so that the said paragraph shall now read as follows:

Interest of  
Crown in  
any  
property.

1. The interest of the Crown in any property, including property held by any person in trust for the Crown, or in trust for any tribe or body of Indians; but, in the latter case, not if occupied by any person who is not a member of a tribe or body of Indians.

Rev. Stat.,  
c. 238, s. 39,  
amended.

2. Section 39 of *The Assessment Act* is amended by adding thereto the following subsections:

Assessment  
of tenant  
on Indian  
lands.

- (2) The tenant of any land held in trust for any tribe or body of Indians who is not a member of such tribe or body (except a tenant occupying the same in an official capacity under the Crown) shall be assessed in respect to the land in the same manner as if the said land was owned or held by any other person.
- (3) In addition to the liability of any such person to pay the taxes assessed against such land, the interest in such land, if any, of every person other than the Crown and of the tribe or body of Indians for which it is held in trust or any member thereof, shall be subject to the charge thereon authorized by section 97 and shall be liable to be sold under the provisions of this Act for arrears of taxes accrued against the land.

Rev. Stat.,  
c. 238, s. 160,  
subs. 1,  
amended.

3.—(1) Subsection 1 of section 160 of *The Assessment Act* is amended by inserting after the word "Ontario" in the third

#### EXPLANATORY NOTE

The object of this amendment is to put Indian lands which are occupied by tenants other than Indians in the same category for assessment purposes as Crown property occupied by a tenant.

line the words "or any tribe or body of Indians or any member thereof," and by adding after the word "Crown" in the fifth line the words "tribe or body of Indians or any member thereof," so that the said subsection shall now read as follows:

Land in  
which Crown  
or Indians  
have  
interest.

- (1) Where the Crown, whether as represented by the Government of Canada or the Government of the Province of Ontario, or any tribe or body of Indians or any member thereof has an interest in any land in respect of which taxes are in arrear, the interest only of persons other than the Crown, tribe or body of Indians or any member thereof therein shall be liable to be sold for arrears of taxes.

Rev. Stat.,  
c. 238, s. 160,  
subs. 2,  
amended.

- (2) Subsection 2 of the said section 160 is amended by adding after the word "Crown" in the sixth line the words "or tribe or body of Indians or any member thereof," so that the said subsection shall now read as follows:

Tax deed  
not to  
affect  
interest of  
Crown or  
Indians.

- (2) Where the treasurer so sells the interest of any person it shall be distinctly expressed, in the tax deed to be made under this Act to the purchaser, that the sale is only of the interest of such person in the land, and (whether so expressed or not) the tax deed shall in no wise affect the interest or rights of the Crown, or tribe or body of Indians or any member thereof in the land sold, and shall give the purchaser the same interest and rights only in respect of the land as the person had whose interest is being sold.

Commence-  
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.









BILL

An Act to amend The Assessment Act.

*1st Reading*

February 22nd, 1933

*2nd Reading*

*3rd Reading*

MR. SINCLAIR

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Municipal Act.

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MR. SINCLAIR

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No. 65

1933

# BILL

An Act to amend The Municipal Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 233, s. 217,  
subs. 1,  
amended.

1. Subsection 1 of section 217 of *The Municipal Act* is amended by striking out the words and figures "but more than 45,000" in the second line, so that said subsection shall now read as follows:

Boards of  
control in  
cities of less  
than 100,000.

(1) In cities having a population of less than 100,000, the council may, with the assent of the municipal electors pass a by-law providing that there shall be a board of control consisting of the mayor and four controllers to be elected by general vote.

Commence-  
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

The object of this amendment is to enable any city to elect a Board of Control as part of its council. The present Act limits this power to cities having a population of more than 45,000.

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BILL

An Act to amend The Municipal Act.

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*1st Reading*

February 22nd, 1933

*2nd Reading*

*3rd Reading*

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MR. SINCLAIR

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Election Act.

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MR. SINCLAIR

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No. 66

1933

# BILL

## An Act to amend The Election Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Election Act, 1933*.

Rev. Stat.,  
c. 8, s. 109,  
re-enacted.

2. Section 109 of *The Election Act* is repealed and the following substituted therefor:

Compulsory  
voting.

109.—(1) A voter entitled to vote shall on the day of polling attend at the poll where he is entitled to vote and shall record his vote in the manner provided by this Act unless prevented by illness, absence or physical disabilities from so doing, and for such purpose he shall be entitled to absent himself from any service or employment in which he is then engaged, from the hour of noon, unless by arrangement with his employer he has voted before that hour, and a voter shall not because of his so absenting himself, be liable to any penalty or suffer or incur any reduction from the wages or compensation to which but for his absence he would have been entitled.

(2) A voter required by subsection 1 to record his vote who fails to do so shall incur a penalty of \$20 and shall be disqualified from voting for a period of seven years.

Commence-  
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.



#### EXPLANATORY NOTE

The language of the proposed amendment makes the Bill self-explanatory.

BILL

An Act to amend The Election Act.

*1st Reading*

February 22nd, 1933

*2nd Reading*

*3rd Reading*

MR. SINCLAIR

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Highway Traffic Act.

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MR. SINCLAIR

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No. 67

1933

# BILL

An Act to amend The Highway Traffic Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Highway Traffic Act, 1933*.

Rev. Stat.,  
c. 251, s. 9,  
amended.      **2.** Section 9 of *The Highway Traffic Act* is amended by adding thereto the following subsections:

Pedestrians  
on King's  
Highways to  
carry lights.      (20) Whenever walking or travelling on foot on the King's highway after dusk and before dawn, every person shall carry a lighted lamp in such a position as to be clearly visible for a distance of 200 feet in each direction.

Penalty.      (21) Any person who violates the provisions of subsection 20 shall incur, for the first offence, a penalty of not more than \$2; for the second offence a penalty of not less than \$2 and not more than \$5; and for any subsequent offence a penalty of not less than \$5 and not more than \$10.

Commence-  
ment of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTE

The object of this amendment is to prevent accidents to pedestrians on the King's Highways.

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BILL

An Act to amend The Highway Traffic Act.

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*1st Reading*

February 22nd, 1933

*2nd Reading*

*3rd Reading*

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MR. SINCLAIR

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Jurors' Act.

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MR. SINCLAIR

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No. 68

1933

# BILL

## An Act to amend The Jurors' Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Jurors' Act, 1933*.

Rev. Stat.,  
c. 96,  
amended.

2. Every section and schedule of *The Jurors' Act* in which there occur the words "grand and petit" or the words "grand or petit" or the word "grand" or the word "petit" is amended by striking out the said mentioned words or word where they occur therein.

Rev. Stat.,  
c. 96, s. 21,  
re-enacted.

3. Section 21 of *The Jurors' Act* is repealed and the following substituted therefor:

List to be  
distributed  
into two  
divisions.

21.—(1) When the local selectors have completed the selection, they shall for the purpose of the report thereof distribute the names of the persons so selected into two divisions; the first of persons to serve as jurors in the Supreme Court; and the second of persons to serve as jurors in the inferior courts; and shall make such distribution according to the best of their judgment with a view to the relative competency of the persons to discharge the duties required of them respectively.

Distribution  
to conform  
to requis-  
itions.

(2) The distribution between the two divisions shall be made so that each division shall contain the number of names required by the county selectors to be returned for such division.

Rev. Stat.,  
c. 96, s. 26,  
re-enacted.

4. Section 26 of *The Jurors' Act* is repealed and the following substituted therefor:

Rolls of  
Jurors.

26. The names shall be transcribed into the book in two rolls, the first to be called "Roll of Jurors to serve in the Supreme Court," and the second to be called "Roll of Jurors to serve in the Inferior Courts of Criminal and Civil Jurisdiction."



#### EXPLANATORY NOTE

The sole object of this Bill is to abolish "Grand Juries" and "Petit Juries" as such and to provide that in future there shall only be one kind of jury for the trial of civil and criminal actions. In addition the provisions for "Special Juries" are repealed.

The number of amendments to the several sections of *The Jurors' Act* which are set forth in this Bill are all for the purpose of carrying the above-mentioned object into effect.

Rev. Stat.,  
c. 96, s. 39,  
repealed.

5. Section 39 of *The Jurors' Act* is repealed.

Rev. Stat.,  
c. 96, s. 40,  
re-enacted.

6. Section 40 of *The Jurors' Act* is repealed and the following substituted therefor:

Number to  
be selected  
for jury list.

40. The number to be selected from the jurors' rolls for a jury list shall be the number of jurors for the Supreme Court and inferior courts respectively as theretofore determined by the county selectors to be requisite as panels for the year, with one-fourth the number thereof added thereto.

Rev. Stat.,  
c. 96, s. 42,  
amended.

7. Section 42 of *The Jurors' Act* is amended by striking out the word "four" in the first line and inserting in lieu thereof the word "two," so that the said section shall now read as follows:

Chairman  
and clerk  
of the peace  
to certify  
books.

42. So soon as the two jury lists have been so prepared the chairman and the clerk of the peace shall certify under their hands in the jurors' book immediately after each of such jury lists, that the same was prepared from the proper roll, as the law directs, and the date of its preparation; and the jurors' book, with the jury lists so certified shall then be filed in the office of the clerk of the peace.

Rev. Stat.,  
c. 96, s. 44,  
subs. 1,  
amended.

8.—(1) Subsection 1 of section 44 of *The Jurors' Act* is amended by striking out the words "a proper number of grand jurors for such sittings and of" in the sixth and seventh lines, so that the said subsection shall now read as follows:

Judges to  
issue pre-  
cepts to the  
sheriffs.

(1) The judges of the Supreme Court, or one or more of them for the holding of any sittings of the Supreme Court, and the judge of the county court, for the holding of any sittings of the county court or of the court of general sessions of the peace, may respectively issue precepts, Form 1, Schedule D, to the sheriff for the return of such number of jurors as the county selectors shall have determined as the number to be drafted and returned or such greater or less number as in their or his opinion is required.

Rev. Stat.,  
c. 96, s. 44,  
subs. 2,  
repealed.

(2) Subsection 2 of the said section 44 is repealed.

Rev. Stat.,  
c. 96, s. 62,  
subs. 1,  
amended.

9. Subsection 1 of section 62 of *The Jurors' Act* is amended by striking out the words "grand juries or petit" in the second line.

Rev. Stat.,  
c. 96, s. 66,  
repealed.

10. Section 66 of *The Jurors' Act* is repealed.



Rev. Stat.,  
c. 96, s. 72,  
amended.

**11.** Section 72 of *The Jurors' Act* is amended by striking out the words "grand jurors, if any, returned to such sittings was drafted, and on the jury list from which the panel of petit" in the fourth, fifth and sixth lines, so that the said section shall now read as follows:

Sheriff  
to note on<sup>3</sup>  
list names of  
jurors who  
do not serve.

72. Immediately after the sittings of the Supreme Court and of the court of general sessions of the peace, and of the county court, the sheriff shall note on the jury list from which the panel of jurors was drafted, opposite the names of the jurors, the non-attendance or default of every juror who has not attended until discharged by the court.

Rev. Stat.,  
c. 96, s. 75,  
repealed.

**12.** Section 75 of *The Jurors' Act* is repealed.

Rev. Stat.,  
c. 69, ss. 77-  
84, repealed.

**13.** Sections 77 to 84 of *The Jurors' Act* are repealed.

Rev. Stat.,  
c. 96, s. 85,  
subs. 1,  
amended.

**14.** Subsection 1 of section 85 of *The Jurors' Act* is amended by striking out the words "whether the same is to be tried by a special or by a common jury" in the first and second lines, so that the subsection shall now read as follows:

View by  
jurors.

(1) Where in an action it appears to the presiding judge that in order to the better understanding of the evidence the jurors who are to try the issues ought to have a view of the place or of the real or personal property in question, whether the same be within or without the county in which the trial is to take place, he may at any time after the jurors have been sworn and before they give their verdict order that the jurors shall have such view.

Rev. Stat.,  
c. 96, s. 86,  
amended.

**15.** Section 86 of *The Jurors' Act* is amended by inserting the word "or" after the words "jurors' rolls" in the fourth line and by striking out the words "or the striking of special juries" in the fifth line, so that the said section shall now read as follows:

Omissions  
to observe  
the direc-  
tions of this  
Act not to  
vitiate the  
verdict.

86. The omission to observe any of the directions in this Act as respects the qualification, selection, balloting and distribution of jurors, the preparation of the jurors' book, the selecting of jury lists from the jurors' rolls, or the drafting of panels from the jury lists shall not be a ground of impeaching the verdict or judgment in any action.

Rev. Stat.,  
c. 96, s. 89,  
subs. 1,  
amended.

**16.**—(1) Subsection 1 of section 89 of *The Jurors' Act* is amended by striking out the words "grand juror actually attending a sittings of the Supreme Court or of the court of general sessions of the peace and every petit" in the first, second and third lines, so that the said subsection shall now read as follows:



Jurors' fees  
and mileage.

- (1) Every juror actually attending a sittings of the Supreme Court or of the court of general sessions of the peace or a county court shall be entitled to receive the sum of \$4 per day for every day on which he is necessarily absent from his place of residence for the purpose of attending such court, and the sum of thirteen cents for every mile he necessarily travels from his place of residence to the court.

Rev. Stat.,  
c. 96, s. 89,  
subs. 4,  
amended.

- (2) Subsection 4 of the said section 89 is amended by striking out the words "or where a grand jury adjourns for a period of one or more days, the jurors" in the third and fourth lines and inserting in lieu thereof the word "they," so that the said subsection shall now read as follows:

When jurors  
may be paid  
although  
attendance  
not required.

- (4) Where jurors are in attendance at the court and are informed by the presiding judge that their attendance will not be required for one or more days they shall be paid for the first and second days of such period during which they are absent, but jurors who reside in the county town shall not be entitled to be paid for a Sunday.

Rev. Stat.,  
c. 96, s. 94,  
repealed.

17. Section 94 of *The Jurors' Act* is repealed.

Rev. Stat.,  
c. 96,  
Sched. A,  
amended.

18. The First and Second Divisions of Schedule A to *The Jurors' Act* are repealed and the divisions of the said schedule now headed respectively "Third Division" and "Fourth Division" shall hereafter be the "First Division" and "Second Division" of the said schedule.

Rev. Stat.,  
c. 96,  
Sched. B,  
amended.

19. The several parts of Schedule B to *The Jurors' Act* number respectively as 1, 2, 3, 4, 5, 6 and 10 are repealed and the parts of the said schedule now numbered as 7, 8, and 9 are renumbered as 1, 2 and 3.

Rev. Stat.,  
c. 96,  
Sched. D,  
Form 1,  
amended.

- 20.—(1) Form 1 of Schedule D to *The Jurors' Act* is amended by striking out the words "and also cause to come thirteen good and lawful men of your Bailiwick duly qualified to serve as Grand Jurors at the said sittings" in the sixth, seventh and eighth lines of the body of the said form.

Rev. Stat.,  
c. 96,  
Sched. D.,  
Form 2,  
amended.

- (2) Form 2 of the said Schedule D is amended by striking out the words "Grand (*or* Special *or* Petit)" in the fourth and fifth lines of the body of the said form.

Commence-  
ment of Act.

21. This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect as from the 1st day of January, 1935.









BILL.

An Act to amend The Jurors' Act.

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*1st Reading*

February 22nd, 1933

*2nd Reading*

*3rd Reading*

---

MR. SINCLAIR

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No. 69

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Northern Development Act.

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MR. FINLAYSON

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TORONTO  
PRINTED BY HERBERT H. BALL  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 69

1933

# BILL

An Act to amend The Northern Development Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Northern Development Act, 1933*.

Rev. Stat.,  
c. 36, s. 20,  
amended.      **2.** Section 20 of *The Northern Development Act* is amended by adding thereto the following subsection:

Writing off  
or reducing  
amounts  
owing on  
charges, and  
discharge of  
lands in such  
cases.

(10) The Lieutenant-Governor in Council may write off or reduce the amount of either principal or interest, or both principal and interest, charged against any lands under the provisions of this section where such lands have been abandoned, surrendered or vacated by the settler or where the location or sale of such lands has been cancelled by the Crown, and by virtue of which abandonment, surrender, vacating or cancellation, such lands had become available to the Crown for resale, relocation or other disposal, and the Lieutenant-Governor in Council may authorize the Commissioner or Minister or Deputy Minister as the case may be to give a certificate in the manner provided in subsections 5 and 7, which certificate when given may be registered and will have the effect provided in subsections 6 and 8.

Commence-  
ment of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

Cases arise where a settler abandons or surrenders his lands and the sale is cancelled and the amount owing on a charge becomes in whole or in part uncollectible.

It is desirable in such cases to make provision for the amounts owing to be written off or reduced and to provide for the discharge of the claim against the lands affected being registered.

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BILL

An Act to amend The Northern  
Development Act.

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*1st Reading*

February 24th, 1933

*2nd Reading*

*3rd Reading*

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MR. FINLAYSON

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Northern Development Act.

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MR. FINLAYSON

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No. 69

1933

# BILL

An Act to amend The Northern Development Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Northern Development Act, 1933*.

Rev. Stat.,  
c. 36, s. 20,  
amended.      **2.** Section 20 of *The Northern Development Act* is amended by adding thereto the following subsection:

Writing off  
or reducing  
amounts  
owing on  
charges, and  
discharge of  
lands in such  
cases.

- (10) The Lieutenant-Governor in Council may write off or reduce the amount of either principal or interest, or both principal and interest, charged against any lands under the provisions of this section where such lands have been abandoned, surrendered or vacated by the settler or where the location or sale of such lands has been cancelled by the Crown, and by virtue of which abandonment, surrender, vacating or cancellation, such lands had become available to the Crown for resale, relocation or other disposal, and the Lieutenant-Governor in Council may authorize the Commissioner or Minister or Deputy Minister as the case may be to give a certificate in the manner provided in subsections 5 and 7, which certificate when given may be registered and will have the effect provided in subsections 6 and 8.

Commence-  
ment of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.





BILL

An Act to amend The Northern  
Development Act.

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*1st Reading*

February 24th, 1933

*2nd Reading*

February 27th, 1933

*3rd Reading*

March 17th, 1933

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MR. FINLAYSON

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No. 70

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Long Point Park Act.

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MR. FINLAYSON

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TORONTO  
PRINTED BY HERBERT H. BALL  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 70

1933

# BILL

An Act to amend The Long Point Park Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Long Point Park Act, 1933*.

Rev. Stat.,  
c. 84,  
amended.      **2.** *The Long Point Park Act* is amended by adding thereto the following section:

Adding land  
to park,      29. The Lieutenant-Governor in Council may add to the Long Point Park any adjacent tract of land which is the property of the Crown.

Commence-  
ment of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.



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BILL

An Act to amend The Long Point  
Park Act.

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*1st Reading*

February 24th, 1933

*2nd Reading*

*3rd Reading*

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MR. FINLAYSON

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Long Point Park Act.

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MR. FINLAYSON

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No. 70

1933

# BILL

An Act to amend The Long Point Park Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      1. This Act may be cited as *The Long Point Park Act, 1933*.

Rev. Stat.,  
c. 84,  
amended.      2. *The Long Point Park Act* is amended by adding thereto the following section:

Adding land  
to park.      29. The Lieutenant-Governor in Council may add to the Long Point Park any adjacent tract of land which is the property of the Crown.

Commence-  
ment of Act.      3. This Act shall come into force on the day upon which it receives the Royal Assent.





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BILL

An Act to amend The Long Point  
Park Act.

---

*1st Reading*

February 24th, 1933

*2nd Reading*

February 27th, 1933

*3rd Reading*

March 17th, 1933

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MR. FINLAYSON

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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## BILL

An Act respecting the Publication and Distribution of  
Discriminating Matter.

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MR. MARTIN (Hamilton West)

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# BILL

## An Act respecting the Publication and Distribution of Discriminating Matter.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Publication of Discriminating Matter Act, 1933*.

Prohibition of discriminating publications affecting religion, creed or class, etc., by owners, lessees, etc., of places of public resort.

2. No person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, resort or amusement and no person being the owner, lessee, proprietor, manager, superintendent, agent or employee of any apartment house or office building, shall directly or indirectly, whether by himself or anyone else, publish, issue, circulate, distribute, display or broadcast in any manner whatsoever, except as hereinafter provided, any communication, poster, folder, book, pamphlet, writing, print, letter, notice or advertisement of any kind intended or calculated to discriminate or actually discriminating against any religious sect, creed, class, denomination, race or nationality, or against any of the members thereof, in the matter of furnishing or neglecting or refusing to furnish to them or any of them any accommodation, right, privilege, advantage or convenience offered to or enjoyed by the general public or to the effect that any of the accommodations, rights, privileges, advantages or conveniences of any such place of public accommodation, resort or amusement or of such apartment house or office building shall or will be refused, withheld from or denied to any person or persons or class of persons on account of religious sect, creed, class, denomination, race or nationality or that the patronage, presence or frequenting at such place of any person, persons or class of persons belonging to any particular religious sect, creed, class, denomination, race or nationality is unwelcome, objectionable or not acceptable, desired or solicited.

Production of discriminating publication to be *prima facie* evidence of offence.

3. The production of any such communication, poster, folder, book, pamphlet, writing, print, letter, notice or adver-

#### EXPLANATORY NOTE

The Bill in its terms is almost sufficiently self-explanatory, but briefly, the object of the Bill is to stamp out any attempt by persons owning or operating places of public resort, etc., to advertise publicly that their premises or accommodations are not open to persons of certain religious beliefs, colour, etc.

tisement of any kind whatsoever purporting to relate to any such place and to be made by any person being the owner, lessee, proprietor, superintendent, manager, agent or employee thereof shall be *prima facie* evidence in any proceeding under the provisions of this Act that the same was authorized by such person.

Description  
of places of  
public resort,  
etc.

4. Without restricting the generality of the words employed, a place of public accommodation, resort or amusement within the meaning of this Act shall be deemed to include any inn, tavern or hotel, whether conducted for the entertainment, housing or lodging of transient guests or for the benefit, use or accommodation of those seeking health, recreation or rest, any restaurant, eating house, public conveyance on land or by water or air, bath house, barber shop, theatre, music hall or dance hall.

Exception.

5. Nothing in this Act contained shall be construed as prohibiting the mailing of a private communication in response to a specific written or verbal enquiry.

Penalty.

6. Every person violating any provision of this Act for each violation thereof shall be guilty of an offence and shall be liable on conviction to a penalty of not less than \$50 nor more than \$500 recoverable under *The Summary Convictions Act*.

Rev. Stat.,  
c. 121

Actions for  
damages not  
barred.

7. No prosecution or conviction under this Act shall be a bar to any action for the recovery of damages which may be brought by any person or persons injured by the violation of the provisions of this Act.

Commence-  
ment of Act.

8. This Act shall come into force on the day upon which it receives the Royal Assent.









BILL

An Act respecting the Publication and  
Distribution of Discriminating  
Matter.

---

*1st Reading*

February 24th, 1933

*2nd Reading*

*3rd Reading*

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MR. MARTIN (Hamilton West)

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No. 72

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Public Health Act.

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MR. TWEED

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TORONTO  
PRINTED BY HERBERT H. BALL  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 72

1933

# BILL

An Act to amend The Public Health Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Public Health Act, 1933.*

Rev. Stat.,  
c. 262,  
amended.      **2.** *The Public Health Act* is amended by adding thereto the following section:

Prohibition  
of certain  
material  
being used  
in the  
manufacture  
of  
mattresses,  
etc.

**84a.**—(1) No person shall manufacture any mattress or other bedding material, any part of which or of the contents of which has been in use in a hospital, sanatorium or other institution or building established or maintained for the treatment of persons suffering from sickness or disease.

Percentage  
of second-  
hand  
material  
used to be  
shown.

(2) No person shall sell or offer or expose for sale any mattress or other bedding material which has been wholly or in part manufactured from used or second-hand material, unless such mattress or bedding material shall have firmly and conspicuously attached thereto a statement of the percentage of the material thereof which was composed of used or second-hand material.

Penalty.

(3) Any person who contravenes any of the provisions of this section shall incur a penalty of not less than \$50 nor more than \$100.

Commence-  
ment of Act.

**3.** This Act shall come into force on the 1st day of January, 1934.

#### EXPLANATORY NOTE

The object of this Bill is to prevent the spread of disease through the manufacture for sale of mattresses and bedding material, any part of which or the contents of which has been in use in hospitals and other similar institutions, and to provide that mattresses and other bedding material which are wholly or partly made up from second-hand material must have affixed thereto a statement showing the percentage of second-hand material therein.

As this is a health matter it is proposed to add the section to *The Public Health Act* and also provide a penalty for a breach of the above-mentioned section.

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BILL

An Act to amend The Public Health Act.

---

*1st Reading*

February 27th, 1933

*2nd Reading*

*3rd Reading*

---

MR. TWEED

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Municipal Act.

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MR. TWEED

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No. 73

1933

# BILL

An Act to amend The Municipal Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

Rev. Stat.,  
c. 233, s. 52,  
subs. 1, cl. a  
re-enacted.

1. Clause *a* of subsection 1 of section 52 of *The Municipal Act* is repealed and the following substituted therefor:

- (a) Is rated on the last revised assessment roll of the municipality for land held in his or her own right or the right of his wife or her husband or for income for an amount not less than \$500 in cities and towns and for an amount not less than \$300 in villages and townships.



#### EXPLANATORY NOTE.

The object of this Bill is to restrict the qualifications for election to a municipal council to persons who are rated on the assessment roll for property or income at the amounts set forth in the Bill and is intended to restore the former property qualifications, with some modifications as to the amount of rating, so that municipal councils will be composed of persons who have some property investment in the municipality.

The Bill merely sets forth the principle.

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BILL

An Act to amend The Municipal Act

---

*1st Reading*

February 27th, 1933

*2nd Reading*

*3rd Reading*

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MR. TWEED

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Local Improvement Act.

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MR. MCBRIEN

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No. 74

1933

# BILL

An Act to amend The Local Improvement Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 235, s. 27a,  
subs. 3,  
(1932,  
c. 30, s. 6),  
amended.

1. Subsection 3 of section 27a of *The Local Improvement Act* as enacted by section 6 of *The Local Improvement Amendment Act, 1932*, is amended by inserting after the word "work" in the fourth line the following words, "and to exempt any lot, in whole or in part, from or to make a reduction in the special assessment," so that the said subsection shall now read as follows:

Court may  
review and  
alter exemp-  
tions or re-  
ductions.

- (3) The court of revision shall have jurisdiction and authority to review and alter any such exemption or reduction when considering the special assessment roll for the work and to exempt any lot, in whole or in part, from or to make a reduction in the special assessment, but shall not increase the corporation's portion of the cost of the work.

#### EXPLANATORY NOTE

This amendment is to extend the Act so that the court of revision may exempt, in whole or in part, land that appears to be improperly assessed or reduce the assessment for the cost of a lane.

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BILL

An Act to amend The Local Improvement  
Act.

---

*1st Reading*

February 28th, 1933

*2nd Reading*

*3rd Reading*

---

Mr. MCBRIEN

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Assessment Act.

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MR. SHIELDS

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# BILL

An Act to amend The Assessment Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
o. 238,  
amended.

1. *The Assessment Act* is amended by adding thereto the following section:

Surtax on  
income.

4a.—(1) Notwithstanding the provisions of section 2, all income liable for taxation, in addition to being liable to taxation at the same rate as other rateable property, shall be liable to further taxation thereon at the rate and on the scale as follows:

- (a) Where the amount exceeds \$10,000 but does not exceed \$20,000—3 per centum;
- (b) Where the amount exceeds \$20,000 but does not exceed \$30,000—4 per centum;
- (c) Where the amount exceeds \$30,000 but does not exceed \$40,000—5 per centum;
- (d) Where the amount exceeds \$40,000 but does not exceed \$50,000—6 per centum;
- (e) Where the amount exceeds \$50,000 but does not exceed \$100,000—7 per centum;
- (f) Where the amount exceeds \$100,000 but does not exceed \$150,000—8 per centum;
- (g) Where the amount exceeds \$150,000 but does not exceed \$200,000—9 per centum; and
- (h) Where the amount exceeds \$200,000—10 per centum.



#### EXPLANATORY NOTE

The object of this Bill is to change the law in every municipality in the Province so that in addition to income being liable for taxation at the same rate as real property, it shall also be liable to a higher rate of taxation on an increasing scale where the taxable income exceeds \$10,000.

The Act if passed will apply to taxable income received after the 31st day of December, 1931, if it has not already been taxed.

Application  
of surtax.

- (2) This section shall apply not only to income received after this Act comes into force but also to all income received at any time after the 31st day of December, 1931, on which no rate has heretofore been levied.

Commence-  
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.







NO. 79

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BILL

An Act to amend The Assessment Act.

---

*1st Reading*

February 28th, 1933

*2nd Reading*

*3rd Reading*

---

MR. SHIELDS

---

No. 76

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Assessment Act.

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MR. NESBITT

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TORONTO  
PRINTED BY HERBERT H. BALL  
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No. 76

1933

# BILL

An Act to amend The Assessment Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 238, s. 13,  
subs. 3  
(1930, c. 46,  
s. 3, subs. 1),  
amended.

1. Subsection 3 of section 13 of *The Assessment Act* as enacted by subsection 1 of section 3 of *The Assessment Amendment Act, 1930*, is amended by adding thereto the following clause:

- (a) For the purpose of this subsection, income earned although not received by a deceased person in his lifetime shall be deemed to have been received by such deceased person in his lifetime.



#### EXPLANATORY NOTE

The object of this Bill is to overcome the effect of decisions of the court which owing to an interpretation of the present Act, have decided that while the estate of a deceased person may be required to pay taxes on income received by the deceased during his lifetime, no such tax can be levied against income which was actually earned but was not received by the deceased even although it was received by his estate after his death.

BILL

An Act to amend The Assessment Act.

*1st Reading*

February 28th, 1933

*2nd Reading*

*3rd Reading*

MR. NESBITT

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Highway Traffic Act.

---

MR. MACAULAY

---

No. 77

1933

# BILL

## An Act to amend The Highway Traffic Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Highway Traffic Act, 1933*.

Rev. Stat.,  
c. 251, s. 1  
amended.      **2.** Section 1 of *The Highway Traffic Act* is amended by adding thereto the following clause:

"Inter-  
section."  
                  (ff) "Intersection" shall mean the area embraced within the prolongation or connection of the lateral curb lines or, if none, then of the lateral boundary lines of two or more highways which join one another at an angle, whether or not one highway crosses the other.

Rev. Stat.,  
c. 251, s. 23,  
subs. 2  
amended.      **3.** Subsection 2 of section 23 of *The Highway Traffic Act* is amended by adding thereto the words "nor over a level railway crossing, whether or not the driver of the vehicle has a clear view of approaching railway traffic, at a greater rate of speed than twenty miles per hour," so that the said subsection shall now read as follows:

Speed  
limit on  
highways.      (2) No motor vehicle shall be driven upon any highway outside a city, town or village at a greater rate of speed than thirty-five miles per hour, nor over a level railway crossing, whether or not the driver of the vehicle has a clear view of approaching railway traffic, at a greater rate of speed than twenty miles per hour.

Rev. Stat.,  
c. 251, s. 35,  
subs. 1  
cl. c  
(1931, c. 54,  
s. 10)  
amended.      **4.**—(1) Clause c of subsection 1 of section 35 of *The Highway Traffic Act* as enacted by section 10 of *The Highway Traffic Amendment Act, 1931*, is amended by striking out the words "continue beyond the centre of the intersection before turning" in the fourth and fifth lines and inserting in lieu thereof the words "the left turn shall be made by passing to the right of such centre line where it enters the intersection, and upon

#### EXPLANATORY NOTES

Section 2. The definition of the word "intersection" is that adopted as the standard.

Section 3. Introduces a new note to decrease hazard at level crossings by requiring reduction of speed at all such crossings to a maximum of twenty miles per hour. The present rule applies only at crossings where the vision is obstructed.

Section 4. To make the rule governing left turns conform with safety principles and common practice it is desirable to make the change set forth in subsection 1. The application is illustrated by the accompanying diagram.

leaving the intersection by passing to the right of the centre line of the highway then entered," so that the said clause shall now read as follows:

Rule for  
left turn  
at inter-  
sections.

- (c) The driver or operator of a vehicle intending to turn to the left into an intersecting highway shall approach such intersection as closely as practicable to the centre line of the highway and the left turn shall be made by passing to the right of such centre line where it enters the intersection, and upon leaving the intersection by passing to the right of the centre line of the highway then entered.

Rev. Stat.,  
c. 251, s. 35,  
subs. 2,  
(1930, c. 48,  
s. 8, subs. 1)  
amended.

- (2) Subsection 2 of the said section 35 as re-enacted by subsection 1 of section 8 of *The Highway Traffic Amendment Act, 1930*, is amended by inserting after the word "vehicle" in the first line the words "or street car or the car of an electric railway," so that the said subsection, exclusive of clauses *a* and *b* thereof, shall now read as follows:

Full stop  
at through  
highway.

- (2) The operator or driver of every vehicle or street car, or the car of an electric railway shall immediately before entering or crossing a through highway bring the vehicle to a full stop,—

Rev. Stat.,  
c. 251, s. 35,  
subs. 2, cl. *a*  
(1930, c. 48,  
s. 8, subs. 1)  
amended.

- (3) Clause *a* of subsection 2 of the said section 35 as re-enacted is amended by inserting after the word "vehicle" in the first line the words "or car," and after the word "vehicles" in the third line the words "or cars," so that the said clause shall now read as follows:

Right-of-  
way.

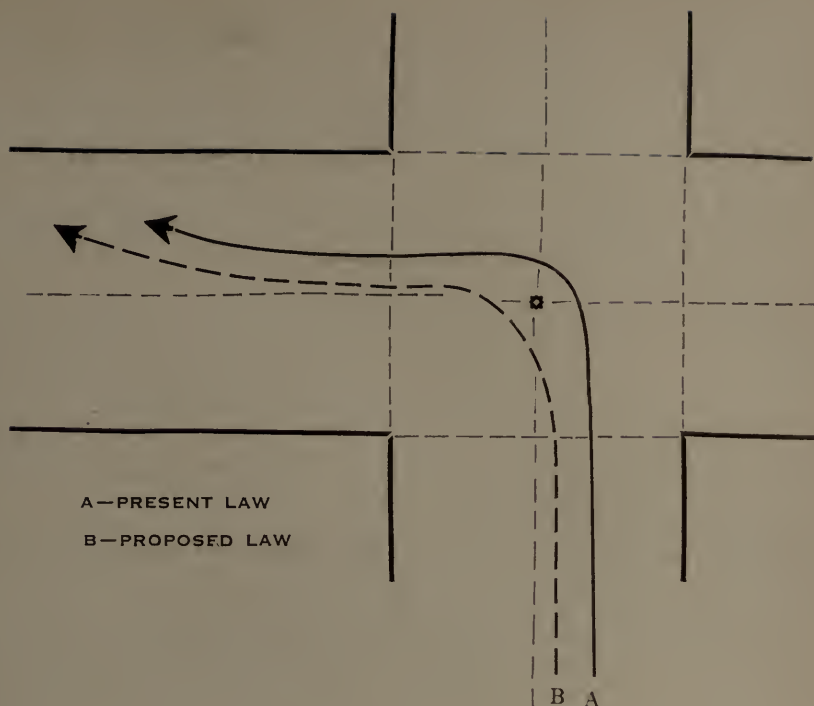
- (a) The driver or operator of any vehicle or car who has come to a full stop as required above, upon entering the through highway, as well as drivers or operators of vehicles or cars on such through highway, shall be subject to the usual right-of-way rule prescribed in subsection 1 of this section and applicable to vehicles at intersections.

Rev. Stat.,  
c. 251, s. 44,  
subs. 2  
amended.

- 5.—(1) Subsection 2 of section 44 of *The Highway Traffic Act* is amended by striking out the words "Every such person shall carry his license with him at all times while in charge of a motor vehicle and shall produce it when hiring a motor vehicle or when demanded by a police constable or by an officer appointed for carrying out the provisions of this Act" at the end thereof, so that the said subsection shall now read as follows:

Non-  
resident's  
license.

- (2) The provisions of subsection 1 shall not apply to a resident of any other Province of Canada or of a



Subsections 2 and 3 are for the purpose of definitely stating that street cars and other electric railway cars must stop at "Through Highways." Some confusion has existed as to the rule.

Section 5. The purpose of this clause is to clarify the requirement as to production of driving licenses when a motor vehicle is being hired, so that it is made definite that the rule applies to residents and non-residents.

country or state which grants similar exemptions and privileges to residents of Ontario, provided such person does not remain in Ontario for more than thirty days in any one year and is the holder of a chauffeur's or operator's license issued by the province, country or state in which he resides.

Rev. Stat.,  
c. 251, s. 44  
amended.

(2) The said section 44 is further amended by adding thereto the following subsection:

Production  
of license  
when hiring  
motor  
vehicle.

(2a) Every person, whether a resident of Ontario or not, hiring a motor vehicle shall produce his operator's or chauffeur's license for the inspection of the person from whom the vehicle is being hired.

Rev. Stat.,  
c. 251,  
amended.

6. *The Highway Traffic Act* is amended by adding thereto the following section:

Suspension  
of license  
or permit.

73a. Where the suspension of a driver's license or owner's permit as required by subsection 1 of section 72 in the case of conviction of any person for driving a motor vehicle on a highway without holding a driver's license, or as required by subsection 1 of section 73 in the case of failure of any person to satisfy a judgment, would under all the circumstances be likely to prevent such person earning his livelihood or satisfying the judgment or otherwise work an injustice, the Minister may refrain from, or for any period of time he may see fit delay, suspending the license or permit.

Commence-  
ment of Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.



Section 6. The Act as at present framed requires that the Minister shall, upon conviction of any person for driving without a driver's license or for failure by a person to satisfy a judgment for damages, forthwith suspend the driver's license or owner's permit until proof of financial responsibility is given. No matter how unjust such suspension may be or that the very fact of suspending the license or permit actually prevents a person earning his livelihood so as to try and satisfy the judgment, the Minister is unable to swerve from the strict letter of the law. There are cases where such injustice or foolish result occurs, and the amendment is to give the Minister a discretion to avoid such occurrences.

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BILL

An Act to amend The Highway Traffic Act.

---

*1st Reading*

March 1st, 1933

*2nd Reading*

*3rd Reading*

---

MR. MACAULAY.

---

No. 77

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Highway Traffic Act.

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MR. MACAULAY

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TORONTO  
PRINTED BY HERBERT H. BALL  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 77

1933

# BILL

## An Act to amend The Highway Traffic Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Highway Traffic Act, 1933*.

Rev. Stat.,  
c. 251, s. 1  
amended.

2. Section 1 of *The Highway Traffic Act* is amended by adding thereto the following clause:

"Inter-  
section."

(ff) "Intersection" shall mean the area embraced within the prolongation or connection of the lateral curb lines or, if none, then of the lateral boundary lines of two or more highways which join one another at an angle, whether or not one highway crosses the other.

Rev. Stat.,  
c. 251, s. 23,  
subs. 2  
amended.

3. Subsection 2 of section 23 of *The Highway Traffic Act* is amended by adding thereto the words "nor over a level railway crossing, whether or not the driver of the vehicle has a clear view of approaching railway traffic, at a greater rate of speed than twenty miles per hour," so that the said subsection shall now read as follows:

Speed  
limit on  
highways.

(2) No motor vehicle shall be driven upon any highway outside a city, town or village at a greater rate of speed than thirty-five miles per hour, nor over a level railway crossing, whether or not the driver of the vehicle has a clear view of approaching railway traffic, at a greater rate of speed than twenty miles per hour.

Rev. Stat.,  
c. 251, s. 35,  
subs. 1  
cl. c  
(1931, c. 54,  
s. 10)  
amended.

4.—(1) Clause c of subsection 1 of section 35 of *The Highway Traffic Act* as enacted by section 10 of *The Highway Traffic Amendment Act, 1931*, is amended by striking out the words "continue beyond the centre of the intersection before turning" in the fourth and fifth lines and inserting in lieu thereof the words "the left turn shall be made by passing to the right of such centre line where it enters the intersection, and upon

leaving the intersection by passing to the right of the centre line of the highway then entered," so that the said clause shall now read as follows:

- (c) The driver or operator of a vehicle intending to turn to the left into an intersecting highway shall approach such intersection as closely as practicable to the centre line of the highway and the left turn shall be made by passing to the right of such centre line where it enters the intersection, and upon leaving the intersection by passing to the right of the centre line of the highway then entered.
- Rule for  
left turn  
at inter-  
sections.

(2) Subsection 2 of the said section 35 as re-enacted by subsection 1 of section 8 of *The Highway Traffic Amendment Act, 1930*, is amended by inserting after the word "vehicle" in the first line the words "or street car or the car of an electric railway," so that the said subsection, exclusive of clauses *a* and *b* thereof, shall now read as follows:

Rev. Stat.,  
c. 251, s. 35,  
subs. 2,  
(1930, c. 48,  
s. 8, subs. 1)  
amended.

- (2) The operator or driver of every vehicle or street car, or the car of an electric railway shall immediately before entering or crossing a through highway bring the vehicle to a full stop,—
- Full stop  
at through  
highway.

5.—(1) Subsection 2 of section 44 of *The Highway Traffic Act* is amended by striking out the words "Every such person shall carry his license with him at all times while in charge of a motor vehicle and shall produce it when hiring a motor vehicle or when demanded by a police constable or by an officer appointed for carrying out the provisions of this Act" at the end thereof, so that the said subsection shall now read as follows:

Rev. Stat.,  
c. 251, s. 44,  
subs. 2  
amended.

- (2) The provisions of subsection 1 shall not apply to a non-resident of any other Province of Canada or of a country or state which grants similar exemptions and privileges to residents of Ontario, provided such person does not remain in Ontario for more than thirty days in any one year and is the holder of a chauffeur's or operator's license issued by the province, country or state in which he resides.
- Non-  
resident's  
license.

(2) The said section 44 is further amended by adding thereto the following subsection:

Rev. Stat.,  
c. 251, s. 44  
amended.

- (2a) Every person, whether a resident of Ontario or not, hiring a motor vehicle shall produce his operator's or chauffeur's license for the inspection of the person from whom the vehicle is being hired.
- Production  
of license  
when hiring  
motor  
vehicle.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-  
ment of Act

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BILL

An Act to amend The Highway Traffic Act.

---

*1st Reading*

March 1st, 1933

*2nd Reading*

March 16th, 1933

*3rd Reading*

April 13th, 1933

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MR. MACAULAY.

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NO. 78

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Judicature Act.

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MR. ELLIS

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TORONTO  
PRINTED BY HERBERT H. BALL  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 78

1933

# BILL

An Act to amend The Judicature Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Judicature Act, 1933*.

Rev. Stat.,  
c. 88, s. 55,  
re-enacted.      **2.** Section 55 of *The Judicature Act* is repealed and the following substituted therefor:

Actions  
against  
municipalities, etc.,  
to be tried  
without a  
jury and  
venue to be  
local.

55.—(1) Actions against a municipal corporation or board of police trustees shall be tried by a judge without the intervention of a jury, and the trial shall take place in the county which constitutes the municipality, or in which the municipality or police village is situate.

Actions  
against  
utility companies to be  
tried without  
a jury.

(2) Actions against a person, firm or corporation owning or operating a public utility as the same is defined in *The Municipal Franchises Act*, an electric or steam railway or a telegraph or telephone system shall be tried by a judge without the intervention of a jury.

Rev. Stat.,  
c. 240.

Commence-  
ment of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.



#### EXPLANATORY NOTE

The repealed section now provides that highway accident cases against a municipality are to be tried by a judge without a jury. The amendment is to extend the rule so that all actions against municipalities and utility companies, etc., shall also be tried by a judge without a jury.

BILL.

An Act to amend The Judicature Act.

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*1st Reading*

March 2nd, 1933

*2nd Reading*

*3rd Reading*

---

MR. ELLIS

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No. 79

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Assessment Act.

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MR. SINGER

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TORONTO  
PRINTED BY HERBERT H. BALL  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 79

1933

# BILL

An Act to amend The Assessment Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 238, s. 11,  
amended.

1. Section 11 of *The Assessment Act* is amended by adding thereto the following subsection:

- (3) Subject to subsection 6 of section 40 income liable to taxation received in Ontario by or on behalf of any person not residing in Ontario shall be assessed in the municipality in which it is received.

#### EXPLANATORY NOTE

While section 4 declares the income of a non-resident received by him or on his behalf in Ontario to be taxable, there is no provision as to the municipality in which the tax is to be levied. For example, a resident of Buffalo who has an office in Hamilton and receives in that city an income of (say) \$5,000 is not at present taxable. The amendment proposes that the tax in these cases be levied in the municipality in which the income of a non-resident is received.

BILL

An Act to amend The Assessment Act.

*1st Reading*

March 3rd, 1933

*2nd Reading*

*3rd Reading*

MR. SINGER

No. 80

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Local Improvement Act.

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MR. MCBRIEN

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TORONTO  
PRINTED BY HERBERT H. BALL  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 80

1933

# BILL

And Act to amend The Local Improvement Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 235, s. 11,  
amended.      1. Section 11 of *The Local Improvement Act* is amended  
by adding thereto the following words:

“Provided that where a petition proposes that any lot shall be totally exempted from special assessment under the provisions of section 27*a* such lot and the owner thereof shall be excluded from computation in ascertaining whether the petition is sufficiently signed.”



#### EXPLANATORY NOTE

The object of the amendment is to remove an inconsistency. A property owner may be exempted from assessment for a lane opening if his property is not benefited, yet he and his property are counted in ascertaining whether a petition for the work is sufficiently signed. It is felt that if a property is exempted it should not affect the petition.

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BILL

An Act to amend The Local Improvement  
Act.

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*1st Reading*

March 3rd, 1933

*2nd Reading*

*3rd Reading*

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MR. MCBRIEN

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No. 81

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Fire Marshals Act.

---

MR. PRICE (Parkdale)

---

No. 81

1933

# BILL

## An Act to amend The Fire Marshals Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Fire Marshals Act, 1933*.

Rev. Stat.,  
c. 295, s. 20a  
(1931, c. 62,  
s. 4), re-  
enacted.

2. Section 20a of *The Fire Marshals Act* as enacted by section 4 of *The Fire Marshals Act, 1931*, is repealed and the following substituted therefor:

Power  
to pass  
regulations  
to prevent  
fire.

20a. Without regard to any of the provisions of this Act, and in addition to any of the powers herein granted, the Lieutenant-Governor in Council may make such regulations as may be deemed necessary for preventing and limiting the occurrence of fire and explosion in establishments in which any liquid or other material of an organic, flammable, or volatile nature (whether produced naturally or synthetically) is used for dry cleaning or dry dyeing purposes; and may provide for the registration and licensing of all such establishments and impose penalties for the breach of any such regulations.

Commence-  
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

The amendment made in 1931 gave power to make regulations generally with respect to dry cleaning and dry dyeing establishments. As control in such places over matters pertaining to health is vested in the Department of Health it is desirable that no conflict in control arise, the present Bill is to repeal the amendment of 1931 and substitute therefor a provision limited to regulation with respect to the fire hazard.

## BILL

An Act to amend The Fire Marshals Act.

*1st Reading*

March 6th, 1933

*2nd Reading*

*3rd Reading*

Mr. Price (Parkdale)

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Fire Marshals Act.

---

MR. PRICE (Parkdale)

---

No. 81

1933

# BILL

## An Act to amend The Fire Marshals Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Fire Marshals Act, 1933*.

Rev. Stat.,  
c. 295, s. 20a  
(1931, c. 62,  
s. 4), re-  
enacted.

2. Section 20a of *The Fire Marshals Act* as enacted by section 4 of *The Fire Marshals Act, 1931*, is repealed and the following substituted therefor:

Power  
to make  
regulations  
to prevent  
fire.

20a. Without regard to any of the provisions of this Act, and in addition to any of the powers herein granted, the Lieutenant-Governor in Council may make such regulations as may be deemed necessary for preventing and limiting the occurrence of fire and explosion in establishments in which any liquid or other material of an organic, flammable, or volatile nature (whether produced naturally or synthetically) is used for dry cleaning or dry dyeing purposes; and may provide for the registration and licensing of all such establishments and impose penalties for the breach of any such regulations.

Commence-  
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.





BILL

An Act to amend The Fire Marshals Act.

*1st Reading*

March 6th, 1933

*2nd Reading*

March 10th, 1933

*3rd Reading*

March 29th, 1933

MR. PRICE (Parkdale)

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

---

# BILL

An Act to repeal The Optometry Act, 1931.

---

MR. MURPHY (St. Patrick)

---

No. 82

1933

# BILL

An Act to repeal The Optometry Act, 1931.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Optometry Act, 1933*.

1931, c. 45.  
repealed.

**2.** *The Optometry Act, 1931*, is hereby repealed.

Commence-  
ment of Act.

**3.** This Act shall come into force on the 1st day of January, 1934.

#### EXPLANATORY NOTE

The object of the Bill is to repeal the several additions made in 1931 by chapter 45 to *The Optometry Act*, R.S.O. 1927, chapter 215, and thereby restore the law relating to optometry as it stood prior to 1931.

BILL

An Act to repeal The Optometry Act, 1931.

---

*1st Reading*

March 6th, 1933

*2nd Reading*

*3rd Reading*

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MR. MURPHY (St. Patrick)

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No. 83

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

---

# BILL

An Act to amend The Medical Act.

---

MR. ROBB

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No. 83

1933

# BILL

An Act to amend The Medical Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.     **1.** This Act may be cited as *The Medical Act, 1933*.

Rev. Stat.,  
c. 196, s. 3,  
subs. 1, cl. *b* as enacted by section 2 of *The Medical Act, 1932*, is amended  
(1932,  
c. 22, s. 2),  
amended.     **2.** Clause *b*, in subsection 1 of section 3 of *The Medical Act*,  
as enacted by section 2 of *The Medical Act, 1932*, is amended  
by adding thereto the following words:

“or from every university, college or body in the Province, which is or may be hereafter authorized and established under the above conditions,”

so that the said clause shall now read as follows:

Representa-  
tives from  
universities,  
colleges, etc.

(*b*) One member to be chosen from every university, college or body in the Province which is authorized to conduct a course or courses in the science and art of medicine, and to grant degrees in the same, and which is conducting actively such course or courses in medicine at the present time, or from every university, college or body in the Province, which is or may be hereafter authorized and established under the above conditions.

Rev. Stat.,  
c. 196,  
Sched. “A,”  
Item 8 (1932,  
c. 22, s. 23),  
amended.     **3.** Schedule “A” to *The Medical Act* as re-enacted by  
section 23 of *The Medical Act, 1932*, is amended by adding to  
item 8 thereof the following words: “Kenora, Manitoulin.”

Commence-  
ment of Act.     **4.** This Act shall come into force on the day upon which  
it receives the Royal Assent.



#### EXPLANATORY NOTES

Section 2. This amendment is intended to provide for representation on the Council by a college and university that may hereafter establish a school of medicine.

Section 3. This amendment adds the districts of Kenora and Manitoulin to Schedule "A" of the Act wherein the territorial divisions are set forth.

BILL

An Act to amend The Medical Act.

*1st Reading*

March 6th, 1933

*2nd Reading*

*3rd Reading*

MR. ROBB

No. 83

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Medical Act.

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MR. ROBB

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TORONTO  
PRINTED BY HERBERT H. BALL  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 83

1933

# BILL

## An Act to amend The Medical Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Medical Act, 1933*.

Rev. Stat.,  
c. 196, s. 3,  
subs. 1, cl. b as enacted by section 2 of *The Medical Act, 1932*, is amended  
(1932,  
c. 22, s. 2),  
amended.      **2.** Clause *b*, in subsection 1 of section 3 of *The Medical Act*,  
as enacted by section 2 of *The Medical Act, 1932*, is amended  
by adding thereto the following words:

“or from every university, college or body in the Province, which is or may be hereafter authorized and established under the above conditions,”

so that the said clause shall now read as follows:

Representa-  
tives from  
universities,  
colleges, etc.

(*b*) One member to be chosen from every university, college or body in the Province which is authorized to conduct a course or courses in the science and art of medicine, and to grant degrees in the same, and which is conducting actively such course or courses in medicine at the present time, and from every university, college or body in the Province, which is or may be hereafter authorized and established under the above conditions.

Rev. Stat.,  
c. 196,  
Sched. “A,”  
Item 8 (1932,  
c. 22, s. 23),  
amended.      **3.** Schedule “A” to *The Medical Act* as re-enacted by  
section 23 of *The Medical Act, 1932*, is amended by adding to  
item 8 thereof the following words: “Kenora, Manitoulin.”

Commence-  
ment of Act.      **4.** This Act shall come into force on the day upon which  
it receives the Royal Assent.



## BILL

An Act to amend The Medical Act.

*1st Reading*

March 6th, 1933

*2nd Reading*

March 13th, 1933

*3rd Reading*

April 6th, 1933

MR. ROBB

No. 84

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Registration of Nurses Act.

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MR. ROBB

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TORONTO  
PRINTED BY HERBERT H. BALL  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 84

1933

# BILL

An Act to amend The Registration of Nurses Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Registration of Nurses Act, 1933*.

Rev. Stat.,  
c. 360, s. 1,  
cl. a, re-  
enacted.

**2.** Clause *a* of section 1 of *The Registration of Nurses Act* is repealed and the following substituted therefor:

Training  
schools and  
register.

(a) A training school for nurses may be established, maintained and conducted in any hospital, sanitarium, sanatorium or university.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.



#### EXPLANATORY NOTE

As some universities have actually established and others may establish a training course for nurses, it is desirable to give legislative sanction thereto, so that the provisions of the Act will apply.

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BILL

An Act to amend The Registration of  
Nurses Act.

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*1st Reading*

March 6th, 1933

*2nd Reading*

*3rd Reading*

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MR. ROBB

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Registration of Nurses Act.

---

MR. ROBB

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No. 84

1933

# BILL

An Act to amend The Registration of Nurses Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Registration of Nurses Act, 1933*.

Rev. Stat.,  
c. 360, s. 1,  
cl. a, re-  
enacted.

**2.** Clause *a* of section 1 of *The Registration of Nurses Act* is repealed and the following substituted therefor:

Training  
schools and  
register.

(a) A training school for nurses may be established, maintained and conducted in any hospital, sanitarium, sanatorium or university.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.



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BILL

An Act to amend The Registration of  
Nurses Act.

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*1st Reading*

March 6th, 1933

*2nd Reading*

March 10th, 1933

*3rd Reading*

March 21st, 1933

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MR. ROBB

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No. 85

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act for the preservation of War Memorials.

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MR. SMITH (Essex South)

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TORONTO  
PRINTED BY HERBERT H. BALL  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

An Act for the preservation of War Memorials.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The War Memorials Preservation Act, 1933*.

Interpre-  
tation.      **2.** In this Act,—

“Board.”      (a) “Board” shall mean the Ontario Municipal Board;

“Com-  
mittee.”      (b) “Committee” shall mean a committee appointed under this Act;

“War  
memorial.”      (c) “War memorial” shall mean and include any monument, building, structure, park, tablet or other form of memorial erected or established in commemoration of the nursing sisters, officers and men of His Majesty's forces who served, were wounded, killed or died during the Great War, 1914 to 1918.

Board on  
application  
to appoint  
committee.      **3.** Where in any municipality a war memorial erected or established wholly or partially from public subscriptions is not or is not likely to be suitably preserved and maintained by reason of lack of funds or absence of authoritative and effective control, the board, upon application made to it as hereinafter provided, may make or cause to be made inquiry into the matter and, being satisfied of the desirability or necessity of so doing, may appoint a committee to be known as “The (*name of municipality*) War Memorial Committee” and vest in it control over the war memorial for the purpose of ensuring that it will thereafter be suitably preserved and maintained.

Com-  
position of  
committee.      **4.** A committee appointed by the board shall be composed of not less than five and not more than eleven members, residents of the municipality in which the war memorial is erected or established, each of whom shall hold office for a



#### EXPLANATORY NOTES

Many war memorials were erected from public subscriptions obtained under the auspices of a temporary committee or body which has ceased to function and there is no authority which is charged with the care of the memorial.

It is in the public interest that war memorials be not allowed to fall into disrepair, and the object of the Bill is to give the Municipal Board power to create a special committee to take charge of any memorial which appears to be uncared for, so that it will be suitably preserved in honour of those whose memories and services it is intended to perpetuate.

Filling  
vacancy.

term of three years and until his successor is appointed. If a vacancy in membership occurs from any cause it may be filled by appointment by the remaining members for the unexpired term of the vacated office, and, subject thereto, all subsequent appointments of members shall be made by the board.

Application.

5. Applications to the board under section 3 shall be in writing signed by not less than twenty electors of the municipality.

Powers  
of board.

6. The board shall have and may exercise such powers as may be necessary to carry into effect the provisions of this Act and for such purpose may make such orders, give such directions as from time to time appear to the board to be desirable or necessary, and may vary, amend or revoke any such order or direction.

Board  
to confer  
powers on  
committee.

7. The board may confer upon a committee appointed by it such powers and authorities in respect of and control over the war memorial as are necessary to enable the committee to discharge its duties, and, subject to the jurisdiction of the board, the committee shall not be interfered with by any person, association, society, organization or other body which previously had or had sought to exercise any authority or control over the war memorial.

Certain war  
memorials  
excepted.

8. This Act shall not apply to a war memorial which is private property, nor extend to a war memorial which is under the jurisdiction or control of the council of a municipality, except with the consent of such council to be expressed by by-law of the municipality.

Commence-  
ment of Act.

9. This Act shall come into force on the day upon which it receives the Royal Assent.







BILL

An Act for the preservation of War  
Memorials.

*1st Reading*

March 6th, 1933

*2nd Reading*

*3rd Reading*

MR. SMITH (Essex South)

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Theatres and Cinematographs Act.

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MR. PRICE (Parkdale)

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No. 86

1933

# BILL

## An Act to amend The Theatres and Cinematographs Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Theatres and Cinematographs Act, 1933*.

Rev. Stat.,  
c. 285, s. 10,  
amended.

**2.** Section 10 of *The Theatres and Cinematographs Act* is amended by striking out the word and figures "8 and 11" in the second line and inserting in lieu thereof the word and figures "8, 11 and 23."

Rev. Stat.,  
c. 285,  
amended.

**3.** *The Theatres and Cinematographs Act* is amended by adding thereto the following section:

Prohibition  
as to pos-  
session of  
noxious sub-  
stances in or  
near theatre,  
etc.

**23.—(1)** No person shall have in his possession at or near any theatre, public hall or other place of amusement which is subject to this Act or the regulations made thereunder, or shall carry or bring in or upon, or attempt to carry or bring in or upon, or aid or assist in carrying or bringing in or upon any such premises, or shall throw, deposit, inject, or attempt to throw, deposit or inject, or aid or assist in throwing, depositing or injecting, in or upon any such premises, any vile, noxious, offensive smelling or injurious liquid, gas or solid, or any stink or stench bomb in any form, or any device from which such liquid, gas or solid may be liberated, and which upon being liberated may inconvenience, cause discomfort to or discommode any person, or do damage to any property.

Penalty.

**(2)** Any person contravening any of the provisions of subsection 1 shall be liable, upon summary conviction, to a penalty of not less than \$500 nor more than \$1,000, and to imprisonment for one year, and if



#### EXPLANATORY NOTES

During the past year there have been a number of stink bombs carried into and placed in theatres.

Section 2 is merely to make the necessary amendment in the general penalty clause by reason of new section 23 being added to the Act.

Section 3 makes it an offence for any person to have stink bombs in his possession at or near any theatre, or to bring the same in the premises of the theatre, etc. The penalties are made severe as the result of taking such bombs into theatres and allowing gas, etc., to escape therefrom is extremely serious.

such penalty is not paid, to an additional period of imprisonment for nine months.

Commence-  
ment of Act. 4. This Act shall come into force on the day upon which it receives the Royal Assent.







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BILL

An Act to amend The Theatres and  
Cinematographs Act.

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*1st Reading*

March 6th, 1933

*2nd Reading*

*3rd Reading*

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MR. PRICE (Parkdale)

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Theatres and Cinematographs Act.

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MR. PRICE (Parkdale)

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# BILL

## An Act to amend The Theatres and Cinematographs Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Theatres and Cinematographs Act, 1933*.

Rev. Stat.,  
c. 285, s. 10.  
amended.      **2.** Section 10 of *The Theatres and Cinematographs Act* is amended by striking out the word and figures "8 and 11" in the second line and inserting in lieu thereof the word and figures "8, 11 and 23."

Rev. Stat.,  
c. 285,  
amended.      **3.** *The Theatres and Cinematographs Act* is amended by adding thereto the following section:

Prohibition  
as to pos-  
session of  
noxious sub-  
stances in or  
near theatre,  
etc.

**23.—(1)** No person shall have in his possession at or near any theatre, public hall or other place of amusement which is subject to this Act or the regulations made thereunder, or shall carry or bring in or upon, or attempt to carry or bring in or upon, or aid or assist in carrying or bringing in or upon any such premises, or shall throw, deposit, inject, or attempt to throw, deposit or inject, or aid or assist in throwing, depositing or injecting, in or upon any such premises, any vile, noxious, offensive smelling or injurious liquid, gas or solid, or any stink or stench bomb in any form, or any device from which such liquid, gas or solid may be liberated, and which upon being liberated may inconvenience, cause discomfort to or discommode any person, or do damage to any property.

Penalty.      **(2)** Any person contravening any of the provisions of subsection 1 shall be liable, upon summary conviction, to a penalty of not less than \$500 nor more than \$1,000, and to imprisonment for one year, and if



such penalty is not paid, to an additional period of imprisonment for nine months.

4. This Act shall come into force on the day upon which it receives the Royal Assent. Commence-  
ment of Act.

BILL

An Act to amend The Theatres and  
Cinematographs Act.

*1st Reading*

March 6th, 1933

*2nd Reading*

March 10th, 1933

*3rd Reading*

March 21st, 1933

MR. PRICE (Parkdale)

No. 87

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Municipal Act.

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MR. OAKLEY

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No. 87

1933

# BILL

An Act to amend The Municipal Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 233, s. 411,  
amended.

1. Section 411 of *The Municipal Act* is amended by adding thereto the following paragraph:

8b. Paragraph 2 of this section shall also apply to restaurants, victualling houses and other premises where food is sold or served for consumption on the premises.

(a) This paragraph shall not apply to any building or premises which was on the 1st day of April, 1933, erected or used for any of such purposes, so long as it is used as it was used on that day.

#### EXPLANATORY NOTE

The object of this amendment is to enable a municipality to pass by-laws preventing the future introduction into defined areas of restaurants and other buildings where meals are served on the premises so that by the exercise of such power residential districts may be protected.

BILL

An Act to amend The Municipal Act.

*1st Reading*

March 6th, 1933

*2nd Reading*

*3rd Reading*

MR. OAKLEY

No. 88

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Assessment Act.

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MR. OAKLEY

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No. 88

1933

# BILL

An Act to amend The Assessment Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

Rev. Stat.,  
c. 238, s. 11,  
subs. 2, re-  
enacted.

1. Subsection 2 of section 11 of *The Assessment Act* is repealed and the following substituted therefor:

Income of  
partnership  
or incor-  
porated com-  
pany to be  
assessed at  
place of  
business.

- (2) Subject to subsection 6 of section 40, the income of a partnership or of an incorporated company shall be assessed at its chief place of business in Ontario. Any dispute as to the chief place of business shall be determined by the Ontario Municipal Board upon application to it and after such notice to the partnership or company and to the municipalities concerned as the board may direct.



#### EXPLANATORY NOTES

The present subsection provides for income assessment against incorporated companies being made in the municipality in which the head office is situate or if there is no head office in Ontario at the chief place of business in the municipality.

The object of the amendment is to make it quite clear that companies shall be assessed at the chief place of business in Ontario regardless of where the head office may be situate, and any dispute as to the location of the chief place of business is to be settled by the Ontario Municipal Board.

The amendment, if passed, will enable the municipality in which the company carries on business to assess its income notwithstanding that the company may have its head office located, for instance, in an adjoining township where it actually does not carry on business to any extent, if at all.

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BILL

An Act to amend The Assessment Act.

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*1st Reading*

March 6th, 1933

*2nd Reading*

*3rd Reading*

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MR. OAKLEY

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No. 89

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Surrogate Courts Act.

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MR. PRICE (Parkdale)

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# BILL

## An Act to amend The Surrogate Courts Act.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      1. This Act may be cited as *The Surrogate Courts Act, 1933*.

Rev. Stat.,  
c. 94, s. 62,  
subs. 2,  
repealed.

2. Subsection 2 of section 62 of *The Surrogate Courts Act* is repealed and the following substituted therefor:

Application  
for order  
allowing  
claim.

- (2) Within thirty days after the receipt of the notice of contestation mentioned in subsection 1, or within three months thereafter if the judge of the surrogate court on application so allows, the claimant may apply to the judge of the surrogate court for an order allowing his claim and determining the amount of it, and the judge shall hear the parties and their witnesses and shall make such order upon the application as he may deem just, and if such claimant does not make such application he shall be deemed to have abandoned his claim and the same shall be forever barred.

Rev. Stat.,  
c. 94, s. 65,  
amended.

3. Subsection 3 of section 65 of *The Surrogate Courts Act* is amended by adding thereto the following clause:

Power of  
judge on  
passing  
accounts.

- (a) The judge, on passing any accounts under this section, shall have power to inquire into any complaint or claim by any person interested in the taking of the accounts, of misconduct, neglect or default on the part of the executor, administrator or trustee, occasioning financial loss to the estate or trust fund, and the judge, on proof of such claim, may order the executor, administrator or trustee, to pay such sum by way of damages or otherwise, as he may deem proper and just, to the estate or trust fund; provided that any order made hereunder shall be subject to appeal.

Commence-  
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTES.

Section 2. Under subsection 2 of section 62, of the present Act, it is provided that if the claimant does not make application within thirty days after receiving the notice, or within such further time as the judge either before or after the expiration of thirty days may allow, he shall be deemed to have abandoned his claim.

There is no set time within which such further application may be made, and executors and administrators might have to wait until the Statute of Limitation barred the claim—thus preventing the winding up of estates.

This section cures this and limits the time in which such application may be made to three months after the expiration of thirty days from the receipt of the notice if the judge so orders.

Section 3. For many years it has been the practise for executors, trustees or administrators to apply to the judge of the surrogate court to pass their accounts. On such application it has always been supposed that the law authorized the judge to consider any complaint by those interested concerning misconduct, neglect, etc., on the part of a trustee, etc., occasioning financial loss to the estate, whereby such judge could direct such trustee, etc., to make good any such loss.

The Privy Council in a recent case (*Campbell vs. Hogg*), decided that the surrogate judge had the power only to consider the amount of money actually received by the trustee. Any other remedy against a trustee therefore has to be by another action, which involved additional expense and inconvenience.

This amendment gives the surrogate judge power to deal with matters of misconduct, neglect, etc., on the passing of the accounts.

BILL

An Act to amend The Surrogate  
Courts Act.

*1st Reading*

March 6th, 1933

*2nd Reading*

*3rd Reading*

MR. PRICE (Parkdale)

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Surrogate Courts Act.

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MR. PRICE (Parkdale)

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# BILL

## An Act to amend The Surrogate Courts Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Surrogate Courts Act, 1933*.

Rev. Stat.,  
c. 94, s. 62,  
subs. 2,  
re-enacted.      **2.** Subsection 2 of section 62 of *The Surrogate Courts Act* is repealed and the following substituted therefor:

Application  
for order  
allowing  
claim.

- (2) Within thirty days after the receipt of the notice of contestation mentioned in subsection 1, or within three months thereafter if the judge of the surrogate court on application so allows, the claimant may apply to the judge of the surrogate court for an order allowing his claim and determining the amount of it, and the judge shall hear the parties and their witnesses and shall make such order upon the application as he may deem just, and if such claimant does not make such application he shall be deemed to have abandoned his claim and the same shall be forever barred.

Rev. Stat.,  
c. 94, s. 65,  
subs. 3,  
amended.      **3.** Subsection 3 of section 65 of *The Surrogate Courts Act* is amended by adding thereto the following clauses:

Power of  
judge on  
passing  
accounts.

- (a) The judge, on passing any accounts under this section, shall have power to inquire into any complaint or claim by any person interested in the taking of the accounts, of misconduct, neglect or default on the part of the executor, administrator or trustee, occasioning financial loss to the estate or trust fund, and the judge, on proof of such claim, may order the executor, administrator or trustee, to pay such sum by way of damages or otherwise, as he may deem proper and just, to the estate or trust fund; provided that any order made hereunder shall be subject to appeal.

May order  
trial and give  
directions as  
to pleadings,  
etc.

- (b) The judge may order the trial of an issue of any complaint or claim under the provisions of clause



*a* of this section, and in such case he shall make all necessary directions as to pleadings, production of documents, discovery and otherwise in connection with such issue.

- (c) Any person interested in the taking of such accounts, or any executor, administrator or trustee against whom any complaint or claim has been made on the passing of such accounts, as provided in clause *a* of this section, may apply to a judge of the Supreme Court for an order removing the proceedings to the Supreme Court, if in his opinion the claim is of such a nature or of such importance as to render it proper that the same should be disposed of by the Supreme Court, and for the purpose of making such application, the applicant shall be entitled to an adjournment of the proceedings in the Surrogate Court.
- Any party interested may apply to a judge of the Supreme Court to have issues tried in Supreme Court.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement of Act.

BILL

An Act to amend The Surrogate  
Courts Act.

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*1st Reading*

March 6th, 1933

*2nd Reading*

March 16th, 1933

*3rd Reading*

April 6th, 1933

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MR. PRICE (Parkdale)

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No. 90

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Public Schools Act.

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MR. SINCLAIR

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TORONTO  
PRINTED BY HERBERT H. BALL  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act to amend The Public Schools Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Public Schools Act, 1933*.

Rev. Stat.,  
c. 323, s. 5,  
subs. 1,  
amended.      **2.** Subsection 1 of section 5 of *The Public Schools Act* is amended by striking out the word "five" in the third line and inserting in lieu thereof the word "six" so that the said subsection shall now read as follows:

Public  
Schools to be  
free.      (1) All schools established under this Act shall be free public schools and every person between the ages of six and twenty-one years, except persons whose parents or guardians are separate school supporters, and except persons who by reason of mental or physical defect are unable to profit by instruction in the public schools, shall have the right to attend some such school in the urban municipality or rural school section in which he resides.

Commence-  
ment of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTES

Under the present Act every boy and girl is entitled to attend school from the age of five to twenty-one years.

The purpose of the amendment is to avoid it being obligatory upon school boards to educate children until they are six years of age and thereby make it possible to effect some reduction in the cost of education.

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**BILL**

An Act to amend The Public Schools Act.

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*1st Reading*

March 10th, 1933

*2nd Reading*

*3rd Reading*

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MR. SINCLAIR

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Adolescent School Attendance Act.

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MR. SINCLAIR.

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No. 91

1933

# BILL

## An Act to amend The Adolescent School Attendance Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Adolescent School Attendance Act, 1933*.

Rev. Stat.,  
c. 333, s. 2,  
subs. 1,  
amended.      **2.** Subsection 1 of section 2 of *The Adolescent School Attendance Act* is amended by striking out the words "between fourteen and sixteen" in the first line and inserting in lieu thereof the words "under fifteen" so that the subsection shall now read as follows:

Compulsory  
attendance  
under 15.      (1) Every adolescent under fifteen years of age shall attend school for the full time during which the schools of the municipality in which he resides are open each year, unless excused for the reasons hereinafter mentioned.

Commence-  
ment of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.



#### EXPLANATORY NOTE

The object of this amendment is to reduce the cost of education. This can be accomplished by abolishing the requirement that boys and girls over 14 years of age must attend school.

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BILL

An Act to amend The Adolescent School  
Attendance Act.

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*1st Reading*

March 10th, 1933

*2nd Reading*

*3rd Reading*

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MR. SINCLAIR

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The High Schools Act.

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MR. SINCLAIR

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No. 92

1933

# BILL

An Act to amend The High Schools Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The High Schools Act, 1933*.

Rev. Stat.,  
c. 326, s. 45,  
subs. 1,  
re-enacted.

2. Subsection 1 of section 45 of *The High Schools Act* is repealed and the following substituted therefor:

When  
schools to  
be free.

(1) The board may prescribe fees that shall be payable by pupils over the age of fifteen years, who have failed to pass the promotion examinations in all subjects of the courses prescribed for the year and approved by the board, but such fees shall not be greater than one-half of the average cost per pupil for education in the high school, and except as above provided no fees shall be payable by pupils attending a high school which they have a right to attend under the provisions of this Act.

Commence-  
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTES

Under the present Act it is the duty of the High School Board to continue to educate pupils notwithstanding that they may be what are known as "repeaters," namely, boys and girls who fail to pass from one form to another.

The object of the amendment is to provide that if a pupil is fifteen years of age and is unable to obtain promotion, he can only remain as a pupil on the basis of the payment of fees, not to exceed one-half the average cost per pupil.

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BILL

An Act to amend The High Schools Act.

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*1st Reading*

March 10th, 1933

*2nd Reading*

*3rd Reading*

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MR. SINCLAIR

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No. 93

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Assessment Act.

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MR. JUTTEN

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TORONTO  
PRINTED BY HERBERT H. BALL  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 93

1933

# BILL

## An Act to amend The Assessment Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 238, s. 9,  
subs. 1,  
amended.

1. Subsection 1 of section 9 of *The Assessment Act* is amended by adding thereto the following clause:

Chain stores.

(cc) Every person carrying on retail business in what are known as chain stores for a sum equal to seventy-five per centum of the assessed value, if such person in Ontario carries on business in more than five of such stores.

Rev. Stat.,  
c. 238, s. 24,  
subs. 1,  
amended.

2.—(1) Subsection 1 of section 24 of *The Assessment Act* is amended by adding thereto the following clause:

(k) The assessor shall also enter on the roll as required by section 28 the name of every farmer's son, farmer's daughter and farmer's sister entitled to be entered thereon and shall also enter on the roll bracketed with the name of every farmer's son entered thereon the name of the wife of such farmers's son who is entitled to be a municipal elector under the provisions of *The Municipal Act*.

Rev. Stat.,  
c. 238, s. 24,  
subs. 3,  
amended.

(2) The paragraph headed "Column 5" of subsection 3 of section 24 of *The Assessment Act* as amended by section 2 of *The Assessment Amendment Act, 1931*, is further amended by striking out the words "or farmer's daughter" where they occur in the eighth line and inserting in lieu thereof the words "farmer's daughter or farmer's sister," and by striking out the word and letters "or F.D." where they occur in the eighth line and inserting in lieu thereof the word and letters "F.D." or "F. Sis," and by adding after the words "*Municipal Act*"



#### EXPLANATORY NOTES

Section 1. The object of this section is to provide that Chain Stores which heretofore have been subject to a business assessment on the same basis as other retail stores shall hereafter be subject to such assessment at 75 per cent. of assessed value if the Chain Stores are operated by a person who in Ontario operates more than five chain stores.

Sections 2 and 3. The object of this amendment is to extend to farmers' sons' wives and farmers' sisters the right to vote at municipal elections in the same way as was extended to farmers' daughters in 1931. In addition to amendment being made to *The Municipal Act* for this purpose, it is necessary to amend *The Assessment Act* so that the names of farmers' sons' wives and farmers' sisters will be entered in the assessment roll, and from thence to the voters' list.

where they occur in the twelfth line, the words "or by reason of being the wife of a farmer's son or a farmer's daughter or a farmer's sister," so that the said paragraph shall now read as follows:

Column 5.—Statement whether the person is an owner or tenant by inserting opposite his name the letter "O," or "T" as the case may be; and where the person is qualified to vote at municipal elections as well as at elections for the Assembly, there shall also be entered opposite his name in that column, in capitals, the letters "L.F." meaning thereby "Legislative Franchise"; and where the person is a "farmer's son," "farmer's daughter" or "farmer's sister" there shall also be similarly entered the letters "F.S.," "F.D." or "F.Sis." and in the case of a person who is entitled to be a municipal elector by reason of being the husband or wife of the person rated or entitled to be rated for land as provided by *The Municipal Act* or by reason of being the wife of a farmer's son or a farmer's daughter or farmer's sister, there shall also be entered the letters "M.F.N.C.," meaning that such person is entitled to vote at municipal elections but is not to be counted for the purpose of determining representation in the county council; and all such names shall be numbered on the roll.

Rev. Stat.,  
c. 238, s. 24,  
subs. 3,  
amended.

(3) The paragraph headed "Column 21" of subsection 3 of section 24 of *The Assessment Act* is amended by striking out the figures "12" in the second line and inserting in lieu thereof the figures "13."

Rev. Stat.,  
c. 238, s. 28,  
subs. 1,  
amended.

3.—(1) Subsection 1 of section 28 of *The Assessment Act* as amended by subsection 1 of section 4 of *The Assessment Amendment Act, 1931*, is further amended by adding thereto the following clause:

"Farmer's  
sister."

(g) "Farmer's sister" shall mean a sister of the full age of twenty-one years, not otherwise entitled to be entered on the voters' list who is the sister of the owner of a farm who is unmarried or is a widower and has resided on the farm with such owner for the twelve months next preceding and is residing thereon at the date fixed for beginning to make the assessment roll.

Rev. Stat.,  
c. 238, s. 28,  
amended.

(2) Section 28 of *The Assessment Act* as amended by section 4 of *The Assessment Amendment Act, 1931* is further amended by adding thereto the following subsections:



Right of  
farmer's  
sister to  
vote.

- (5c) A farmer's sister shall have the same right to be entered on the roll as if she was jointly assessed for the farm with the owner, but she shall not be entered thereon as a farmer's sister unless the amount at which the farm is assessed is sufficient if equally divided between them, and they were jointly assessed for it, to qualify both to vote at a municipal election.

Right of  
more than  
one farmer's  
sister to  
vote.

- (5d) In case more than one farmer's sister has the right under subsection 5c to be entered on the roll with the owner, and the farm is not assessed for an amount sufficient to qualify all such farmer's sisters to vote at a municipal election, so many of the farmer's sisters in the order mentioned for sons in subsection 4 as the amount at which the farm is assessed if equally divided between the owner and the farmer's sisters would be sufficient to qualify, shall be entitled to be entered on the roll as farmer's sisters.

Rev. Stat.,  
c. 238, s. 28,  
subs. 6,  
amended.

- (3) Subsection 6 of section 28 of *The Assessment Act* as amended by subsection 5 of section 4 of *The Assessment Amendment Act, 1931*, is further amended by adding after the words "farmer's daughter" in the third line the words "or farmer's sister," so that the said subsection shall now read as follows:

Occasional  
absence not  
to disqualify.

- (6) Occasional or temporary absence from the farm for a time or times not exceeding in the whole six of the twelve months shall not disentitle a farmer's son or farmer's daughter or farmer's sister to be entered on the roll.

Rev. Stat.,  
c. 238, s. 57,  
subs. 2, re-  
enacted.

4. Subsection 2 of section 57 of *The Assessment Act* is repealed and the following substituted therefor:

Omissions of  
income or  
business  
assessment.

- (2) If at any time during the year in which the taxes are levied it appears to any assessor or any other officer of the municipality that any income or business assessment has been omitted from the assessment roll either in whole or in part or that the amount thereof has been incorrectly stated, he shall forthwith report the same to the clerk of the municipality who shall forthwith enter the same on the assessment roll from which such assessment has been omitted and on the collectors' roll for the current year.

Rev. Stat.,  
c. 238, s. 99,  
amended.

5. Section 99 of *The Assessment Act* is amended by adding after the word "collector" in the second line the words "or, after the roll has been returned, the treasurer," by adding after the word "collector" in the third line the words "or

Section 4. The only object of this section is to clarify the provision of the Act relating to the putting on the assessment roll and tax roll of income and business assessments which have been omitted or incorrectly stated. The present section is not clearly worded, and creates difficulty in interpretation.

Section 5. For many years it has been understood that in addition to the collector obtaining payment of taxes through collection of rents, the treasurer might also do so in respect of arrears of taxes, but there being no specific provision in the Act to that effect, it is desirable to make it definite.

treasurer" and by adding after the word "collector" in the fifth line the words "or treasurer," so that the said section shall now read as follows:

Paying rent  
to collector  
or treasurer  
until taxes  
paid.

99. Where taxes are due upon any land occupied by a tenant, the collector or, after the roll has been returned, the treasurer may give such tenant notice in writing requiring him to pay such collector or treasurer the rent of the premises as it becomes due from time to time to the amount of the taxes due and unpaid and costs; and the collector or treasurer shall have the same authority as the landlord of the premises would have to collect such rent by distress or otherwise to the amount of such unpaid taxes and costs; but nothing in this section contained shall prevent or impair any other remedy for the recovery of the taxes or any portion thereof from such tenant or from any other person liable therefor.

Rev. Stat.,  
c. 238,  
amended.

6. *The Assessment Act* is amended by adding thereto the following section:

Special  
income tax  
roll in lieu  
of income  
assessment.

- 120a.—(1) The council of any local municipality instead of making an assessment of income as hereinbefore in this Act provided, may pass by-laws requiring every person liable to assessment in respect of income to furnish to the assessment commissioner or assessor within the time fixed by the by-law, a statutory declaration according to the form referred to in subsection 2 of section 18 of this Act, showing the income received during the year ending on the 31st day of December then last past, and providing for the entry of the names of all such persons, whether or not they have furnished such declaration to the assessment commissioner or assessor, and the amount of the taxable income of each such person in a special roll of taxable income, and for levying upon the said taxable income according to such roll the rate in subsection 2 set forth, and for providing for payment of the rate so levied either in bulk or in instalments at such time or times as may be fixed by the by-law.

Fixed  
income tax  
rate.

- (2) The rate mentioned in subsection 1 shall be a fixed rate of thirty-five mills in the dollar of taxable income, except where there is a difference between the rate for public school purposes and the rate for separate school purposes, whether such rates are levied under the authority of this section or under any other authority, and in cases where there is such a difference there shall be the same difference



Section 6. This contains entirely new provisions with respect to the collection of municipal income tax, and provides an optional course to be followed by municipalities in relation thereto in lieu of the general provisions of *The Assessment Act*.

While the difficulties and injustices are not the same in municipalities where assessment is made in the same year in which the tax is imposed, yet in other municipalities, such as cities and towns and in some cases villages and townships, where the standard practice is to assess in one year and collect taxation from such assessment in the following year, a great many difficulties and injustices prevail, and not only are persons liable to income tax under that system subjected to hardship in many instances, but the municipality itself is also subjected to serious losses.

To illustrate, an assessment made in 1932 upon income is as to the income received in 1931, and it is not until 1933 that the income of 1931 is taxed. It is easy to see that from many causes the person taxed in 1933 may suffer an injustice, and in many cases be totally unable to pay the tax. On the other hand, the municipality sustains appreciable loss of revenue through death, removals, failures and lack of ability to pay.

The difficulties and injustices have assumed greater proportions in recent years, and the Courts find it very difficult to deal with particular cases in a meritorious manner owing to the inequities of the system.

In the case of Dominion Income Taxation, the tax is payable in the year succeeding that in which it is received, and most of the difficulties experienced by municipalities, and the same injustices are not present with the Dominion system.

This section, which is to introduce a new section 120a into *The Assessment Act*, is modelled on the scheme employed for Dominion income taxation, and provides for the preparation of a special roll of taxable incomes and the imposition thereon of a flat rate of 35 mills which is to be levied separately from the assessment roll and collectors' roll in respect of real property and business assessment.

The tax collector will send out a separate tax bill for income taxes, and within fourteen days of its receipt the person taxed may appeal to the Court of Revision in the same way as on an appeal against an assessment, with a further appeal to the County Judge, which is to be final.

The section contains other necessary formal parts to make the scheme complete.

in the rates to be levied against supporters of public schools and supporters of separate schools respectively under the authority of this section, the lesser rate being thirty-five mills in the dollar and the higher rate being a rate exceeding thirty-five mills in the dollar by the amount of the said difference.

Recovery  
of rates.

- (3) The rates levied on any special roll of taxable income shall be payable and may be recovered in the same way as other rates.

Contents  
of roll.

- (4) The assessment commissioner or assessor shall not be bound by any statement contained in the said statutory declaration, but shall enter in the said special roll of taxable income the name of every person who in his opinion was in receipt of taxable income during the year then last past and the amount of such taxable income which in his opinion such person received in such year; and the assessment commissioner or assessor shall also enter in the said special roll of taxable income opposite each name the letter "P" or the letter "S" indicating that such person is a public school supporter or a separate school supporter.

Information  
not to be  
communi-  
cated.

- (5) Except when examined as a witness before a court, no assessor, assessment commissioner, assistant or other person employed by the corporation of the municipality shall communicate or allow to be communicated to any person except to the solicitor of the corporation in the discharge of his duty any information obtained under the provisions of this section or allow any person to inspect or have access to any written statement furnished under the provisions of this section and no person other than the assessor or assessment commissioner and their assistants shall be entitled to any information respecting the assessment of any person other than as provided in section 53, and every person who contravenes this subsection shall incur a penalty not exceeding \$200.

Penalty.

Exemptions.

- (6) In determining the amount of taxable income of any person any exemptions to which such person is entitled shall apply as of the year in which the income was received.

Collectors'  
duties.

- (7) Upon completion of the said special roll of taxable income the assessment commissioner or assessor shall forward the same to the collector of taxes who shall,





at the rate mentioned in subsection 2, calculate and set down opposite the respective amounts of taxable income entered in the roll the amount of income tax with which the person is chargeable in a manner similar to that in which a collector's roll is made under section 102, and the collector shall proceed to collect the taxes therein mentioned in the same manner as other taxes.

Appeal  
against  
income  
taxation.

- (8) A person whose name is entered in the special roll of taxable income shall not be entitled to notice of such entry, but, upon receipt from the collector of demand for payment of the said rate upon the amount for which he is taxable according to said roll, shall have in respect thereto the right of appeal provided in this Act in the case of assessments, but no such appeal shall relieve him from payment of any additional charge imposed for non-payment upon the date or dates fixed by the by-law of the said rate upon his taxable income as it may be fixed after such appeal, and no appeal shall lie from the decision of the county court judge on any such appeal.

Manner in  
which  
demand to  
be made by  
collection.

- (9) Every demand issued by the collector pursuant to the provisions of this section shall be written or printed and shall contain a notice as to the right of appeal provided in subsection 8 in the form similar to the notice of appeal set forth in Form 5 of this Act.

Revised  
assessment  
roll.

- (10) The aggregate amount shown in the special roll of taxable income as the same may be altered after appeal to the court of revision and the county court judge, shall be added to and form part of the revised assessment roll for all purposes.

Avoidance  
of dual  
taxation.

- (11) Notwithstanding any provisions of *The Municipal Act* where a rate has in any year been levied on taxable income under the authority of this section no other rate shall in the same year be levied by the council upon any income included as rateable property in the last revised assessment roll, but the rates required by *The Municipal Act* to be levied shall in such year be levied only on rateable property exclusive of income.

First effect  
of by-law.

- (12) Income received in the year in which a by-law is passed under subsection 1 for the purpose of bringing the provisions of this section into effect shall be subject to the provisions of this section and of such



by-law, notwithstanding that such income or any part thereof may have been received before the provisions of this section take effect.

Rev. Stat.,  
c. 238, s. 140,  
amended.

7. Section 140 of *The Assessment Act* is amended by striking out the words "county clerk" in the fourth line and inserting in lieu thereof the words "treasurer of the local municipality in which the land is situate," and by striking out the word "clerk" in the seventh line and inserting in lieu thereof the words "treasurer of the local municipality," and by striking out the word "clerk" in the eighth line and inserting in lieu thereof the word "treasurer," so that the first eight lines of the said section shall now read as follows:

Treasurer of  
county to  
keep tripli-  
cate blank  
receipt book.

140. The treasurer of every county shall keep a triplicate blank receipt book and on receipt of any sum of money for taxes on land, shall deliver to the person making payment one of such receipts, and shall deliver to the treasurer of the local municipality in which the land is situate the second of the set, with the corresponding number, retaining the third of the set in the book, the delivery of such receipts to be made to the treasurer of the local municipality at least every three months; and the county treasurer shall file such receipts, . . . . .

Rev. Stat.,  
c. 238, s. 143,  
subs. 1  
(1929,  
c. 63, s. 8).  
re-enacted.

8. Subsection 1 of section 143 of *The Assessment Act* as re-enacted by section 8 of *The Assessment Amendment Act, 1929*, and amended by section 5 of *The Assessment Amendment Act, 1930*, is repealed and the following substituted therefor:

Interest on  
arrears.

(1) In cities the treasurer, or the collector, if the rolls are unreturned, shall add to the amount of all taxes due and unpaid, interest from the 1st day of May in the year following the year in which such taxes are levied until such taxes are paid, at the rate of one-half of one per centum per calendar month or any fraction thereof, and such interest shall form part of the taxes and shall be collected irrespective of any percentage charge imposed under the provisions of section 111.

Rev. Stat.,  
c. 238, s. 157,  
subs. 2,  
amended.

9. Subsection 2 of section 157 of *The Assessment Act* is amended by striking out the words "or the fifteen per centum" in the eighteenth line.

Rev. Stat.,  
c. 238, s. 158,  
subs. 1,  
amended.

10. Subsection 1 of section 158 of *The Assessment Act* is amended by striking out the words "The treasurers of the Townships of York, Scarborough and Etobicoke in the County

Section 7. Under the Act where a County Treasurer receives payment of arrears of taxes, it is now provided that he should issue a duplicate receipt to file with the County Clerk. No useful purpose is thereby served, and it is proposed that instead of the duplicate receipt going to the County Clerk it should go to the local treasurer, so that he is kept posted as to lands in his municipalities upon which tax arrears are being paid.

Section 8. In 1929 the provision as to penalties on arrears of taxes in cities was changed from straight 10 per cent. to a penalty at the rate of 6 per cent. per annum. This system of calculating interest accruing from day to day occasions a tremendous amount of detail work, and also great difficulty in computing at any particular time an accurate statement of outstanding arrears of taxes. Furthermore, it occasions trouble to a tax payer because it is not always easy for him to calculate the exact amount of interest up to the actual date that the treasurer receives payment.

It is proposed to get away from these difficulties by providing that the penalty is to be calculated at the rate of one-half of 1 per cent. per month, which is practically the equivalent of 6 per cent. per annum.

Section 9. The Act provides that where lands are not redeemed after a tax sale until after the expiration of one year the penalty is to be 15 per cent. instead of 10 per cent. payable up to the end of the one-year period. It is proposed by this amendment to abolish the provision as to the 15 per cent. penalty, and standardize it at 10 per cent.

Section 10. The standard provision of *The Assessment Act* as to sale of lands for arrears of taxes is based upon the principle that the smallest quantity of acreage is to be sold, and that the bidder at the tax sale who bids the smallest quantity of land is the highest bidder and becomes the purchaser.

For many years now a few townships which had witnessed a suburban development have been given power to sell the whole of a lot laid out on a registered plan for arrears of taxes, accounting to the owner for any surplus money realized at the sale. It is now proposed that the advantages of the latter method be extended to all municipalities as provided in this section.

of York and the treasurer of the Township of Barton in the County of Wentworth" in the first, second, third and fourth lines and substituting therefor the words "Notwithstanding the provisions of section 157, the treasurer," so that the said subsection shall now read as follows:

Mode of  
selling for  
taxes.

- (1) Notwithstanding the provisions of section 157 the treasurer shall not be obliged to sell for taxes, only a portion of any lot originally laid out according to any registered plan, but may in all such cases sell the whole of such lot or the whole of that part thereof (as the case may be) in respect of which taxes are in arrear, for the best price that may be offered by the bidders at the sale; and any money obtained by the treasurer as the price of any such lot shall be applied firstly in paying the arrears of taxes and interest and lawful expenses due in respect of such lot, and the balance, if any, shall be paid by such treasurer to the owner of such lot or to such other person as may be authorized by law to receive the same less ten per centum of the sale price and less such charge and expenses as the treasurer may pay or incur in satisfying himself of the right of such owner or other person to receive the same. And it shall be the duty of the person claiming such balance to produce to the treasurer proof of his or her right to recover the same; provided, however, that in the event of redemption the person redeeming shall pay ten per centum upon the whole amount realized in respect thereof notwithstanding section 173.

Rev. Stat.,  
c. 238,  
s. 174,  
subss. 1, 2,  
re-enacted.

**11.**—(1) Subsections 1 and 2 of section 174 of *The Assessment Act* are repealed and the following substituted therefor:

Treasurer to  
search title.

- (1) Within sixty days from the day of sale, the treasurer shall, if the land is not previously redeemed, make or cause to be made search in the registry office and in the sheriff's office to ascertain whether or not there are mortgages or other incumbrances affecting the land sold and who is the registered owner of the land.

Notice to  
incum-  
brancer and  
owner.

- (2) Subject to the provisions of subsections 2 and 3 of section 157, the treasurer shall within the said period of sixty days from the day of sale; if the land is not previously redeemed, send to each incumbrancer (if any) and to the registered owner by registered letter mailed to the address of such incumbrancer or owner if known to the treasurer, and if such address is not known to the treasurer then to any address of such incumbrancer or owner appearing in records



Section 11. Under the present Act where lands are sold for taxes if they are not redeemed at the end of the year the treasurer makes a search in the Registry Office and Sheriff's Office to obtain the names of mortgagees, execution creditors and the registered owner, after which he sends them an official notice that they have one month in which to redeem.

The amendment is intended by way of improvement so that the mortgagee, execution creditor and registered owner get earlier notice of the tax sale, and more adequate time to effect a redemption. This is to be done by having the treasurer make the necessary searches within sixty days of the sale, and send out notices to all concerned.

In addition, it is proposed by adoption of this means to shorten the time for redemption to twelve months instead of thirteen months.

This section also contains new clauses which enable the treasurer to register a notice in the Registry Office that lands have been sold for taxes so that an innocent purchaser or mortgagee will get due warning of the situation, and the corollary provision is made that where lots are redeemed after a notice has been registered, a receipt is to be issued which can in turn be registered and thereby remove any cloud from the title.

of the registry office or sheriff's office, a notice stating that the land has been sold for taxes, the date of the sale, and that the incumbrancer or owner is at liberty within one year from the day of sale, exclusive of the day of sale, to redeem the estate sold by paying to the treasurer the amount of the purchase money together with ten per centum added thereto and the amount of the charges for the searches aforesaid and for registration of the notice mentioned in subsection 2a and postage and twenty-five cents for the notice, the amount aforesaid to be specified in the notice.

Rev. Stat., c. 238, s. 174, amended. (2) The said section 174 is further amended by adding thereto the following subsections:

Registration of notice of sale.

(2a) The treasurer may at any time before redemption of land sold for taxes and after he has sent the notice or notices mentioned in subsection 2 register in the registry office a written notice stating that the land described therein has been sold for taxes, the date of the sale, the time within which the land may be redeemed and the amount required to redeem the same, and for registration of such notice the registrar shall be paid a fee of \$1.

Receipt of redemption.

(4a) If under the provisions of subsection 2a a notice of sale of land for taxes has been registered and such land is redeemed, the treasurer shall upon payment of the redemption money deliver to the person paying the same a receipt signed by himself stating therein a description of the land redeemed, the person who redeemed the same and the date and amount paid for redemption together with particulars of the registration of the notice, and such receipt may be registered in the registry office upon payment to the registrar by the person tendering the same of a fee of 50 cents.

Rev. Stat., c. 238, s. 176, subs. 1, amended.

**12.** Subsection 1 of section 176 of *The Assessment Act* is amended by striking out the words and figures "in the case provided for by section 173 and the sum paid by him together with fifteen per centum in the case provided by section 174" in the fourth, fifth and sixth lines and inserting in lieu thereof the word "thereon," so that the said subsection shall now read as follows:

Application of redemption money.

(1) Out of the redemption money the treasurer shall pay to the purchaser (not being the municipality) or his assigns or other legal representatives the sum paid by him together with ten per centum thereon, and



Section 12. This section is for the same purpose as section 10, namely, to standardize the penalty on redemption at 10 per cent.

the balance less the lawful costs, charges and expenses of the treasurer, shall belong to the municipality.

Commence-  
ment of Act.

**13.** This Act, other than sections 2 and 3, shall come into force on the day upon which it receives the Royal Assent. Sections 2 and 3 shall come into force on the 1st day of January, 1934.







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BILL

An Act to amend The Assessment Act

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*1st Reading*

March 13th, 1933

*2nd Reading*

*3rd Reading*

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MR. JUTTEN

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Old Age Pensions Act, 1929.

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MR. MARTIN (Brantford)

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No. 94

1933

# BILL

An Act to amend The Old Age Pensions Act, 1929.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Old Age Pensions Act, 1933*.

1929, c. 73,  
amended.

2. *The Old Age Pensions Act, 1929*, is amended by adding thereto the following section:

Notice  
granting  
pension may  
be registered  
in registry or  
land titles  
office.

10a.—(1) Notice (Form 1) of the granting of a pension to any person may be registered in the proper registry or land titles office, and shall set out,—

Name and  
residence of  
pensioner to  
be set out.

(a) the name and residence of the person to whom a pension has been granted;

Date of  
pension.

(b) the date when the pension was granted;

Description  
of lands.

(c) a description of the land owned by a pensioner or in which he has any interest, sufficient for the purpose of registration; and, where the land is registered under *The Land Titles Act*, a reference to the number of the parcel of the land and to the register in which such land is registered in the land titles office.

Rev. Stat.,  
c. 158.Notice  
signed by  
chairman or  
member of  
Commission.

(2) The notice shall be signed by the chairman or any member of The Old Age Pensions Commission for Ontario, and shall be verified in duplicate by affidavit (Form 2) of the chairman or member of the Commission who signs the notice.

Instruments  
affecting  
lands of  
pensioner  
not to be  
registered  
until consent  
of Commis-  
sion given.

(3) Upon registration of the notice, no deed, grant, conveyance, transfer, mortgage, charge, lease, assignment or other instrument purporting to convey or transfer any land or any interest therein, made and executed by a pensioner, shall be registered in a



#### EXPLANATORY NOTES

Experience in the operation of *The Old Age Pensions Act* has disclosed in several cases pensioners have granted transfers of their lands or interest therein during their lifetime, the proceeds of which transaction have often been dissipated. Unknown to the Commission, transfers have also been made of the dwelling house of the pensioner for little or no consideration to a relative or other person resulting in the State practically keeping as pensioners persons who were not entitled to pensions.

Section 2 provides machinery for the registration of a notice against the lands of a pensioner, and when notice is registered, no instrument affecting such lands shall be registered without the consent of the Commission endorsed thereon; and further, until such consent is endorsed thereon, no land dealt with by a pensioner shall vest in any person named in any such instrument.

The fee for registration is fixed at 75 cents.

Provision is also made for the registration of a discharge.

registry office or entered in any land titles office, unless the consent in writing of the chairman or a member of the Commission is endorsed thereon, and until such consent is so endorsed thereon, no land or any interest therein so conveyed or dealt with by a pensioner shall vest in any person named in such instrument.

- Fee on registration. (4) The fee for registration of the notice shall be seventy-five cents.
- Discharge of notice. (5) A notice registered under the provisions of this section may be discharged by a certificate (Form 3) signed by the chairman or any member of the Commission, accompanied by an affidavit of execution.
- Fee for discharge. (6) The fee for registration of a discharge shall be fifty cents.

1929, c. 73, amended. 3. *The Old Age Pensions Act, 1929*, is amended by adding at the end thereof the following Schedule of Forms:

## SCHEDULE OF FORMS

### FORM 1

#### NOTICE GRANTING PENSION

(Referred to in Subsection 1 of Section 10a)

I, ....., of the City of Toronto,  
(Name of Chairman or member of Commission)  
in the County of York..... of The Old  
(Chairman or Member of Commission)  
Age Pensions Commission for Ontario, hereby give notice that on the  
.....day of....., 19....., a pension,  
under the provisions of *The Old Age Pensions Act, 1929*, (Ontario), and  
regulations thereunder, was granted to..... of the.....  
(Name of Pensioner)  
.....of..... in the  
.....of.....  
(County or District) (occupation)

The following is a description of the land which the said .....  
owns or has an interest in: (Name of Pensioner)

(Set out description of land.)

This notice is given for the purpose of registration in the .....  
(Registry or  
..... of the ..... of .....  
(Land Titles Office) (City, County or District)

Dated at Toronto, this ..... day of ..... 19.....  
Chairman or Member of Commission.

### FORM 2

#### AFFIDAVIT VERIFYING NOTICE

(Referred to in Subsection 2 of Section 10a)

I, ....., of the City of Toronto,  
(Name of Chairman or Member of Commission)

Section 3 adds a schedule of Forms to the Act. Form 1 sets out the form of notice; Form 2 is to be used in verifying such notice, and Form 3 is to be used for discharging such notice.

in the County of York....., of The Old Age Pensions  
 (Chairman or Member)  
 Commission for Ontario, named in the above or attached notice, make  
 oath and say:

"That the facts set out in said notice are true."

Sworn before me at the.....of....., in the  
 .....of....., this  
 .....day of.....19.....

.....  
 (Chairman or Member of Commission)

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### FORM 3

#### CERTIFICATE OF DISCHARGE

(Referred to in Subsection 5 of Section 10a)

The Notice registered by The Old Age Pensions Commission for Ontario,  
 upon the following lands ....., dated the.....day of  
 (set out lands)  
 ....., 19....., and registered the....., day  
 of....., as No. ...., in the.....  
 (Registry or  
 Land Titles Office), for the.....of .....  
 (County or District)  
 is discharged.

.....  
 (Chairman or Member of Commission)

Commence- 4. This Act shall come into force on the day upon which  
 ment of Act. it receives the Royal Assent.



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BILL

An Act to amend The Old Age Pensions  
Act, 1929.

---

*1st Reading*

March 13th, 1933

*2nd Reading*

*3rd Reading*

---

MR. MARTIN (Brantford)

---

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Old Age Pensions Act, 1929.

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MR. MARTIN (Brantford)

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# BILL

An Act to amend The Old Age Pensions Act, 1929.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Old Age Pensions Act, 1933*.

1929, c. 73,  
amended.

2. *The Old Age Pensions Act, 1929*, is amended by adding thereto the following section:

Notice  
granting  
pension may  
be registered  
in registry or  
land titles  
office.

10a.—(1) Notice (Form 1) of the granting of a pension to any person may be registered in the proper registry or land titles office, and shall set out,—

Name and  
residence of  
pensioner to  
be set out.

(a) the name and residence of the person to whom a pension has been granted;

Date of  
pension.

(b) the date when the pension was granted;

Description  
of lands.

(c) a description of the land owned by a pensioner or in which he has any interest, sufficient for the purpose of registration; and, where the land is registered under *The Land Titles Act*, a reference to the number of the parcel of the land and to the register in which such land is registered in the land titles office.

Rev. Stat.,  
c. 158.

(2) The notice shall be signed by the chairman or any member of The Old Age Pensions Commission for Ontario, and shall be verified in duplicate by affidavit (Form 2) of the chairman or member of the Commission who signs the notice.

Notice  
signed by  
chairman or  
member of  
Commission.

Instruments  
affecting  
lands of  
pensioner  
not to be  
registered  
until consent  
of Commis-  
sion given.

(3) Upon registration of the notice, no deed, grant, conveyance, transfer, mortgage, charge, lease, assignment or other instrument purporting to convey or transfer any land or any interest therein, made and executed by a pensioner, shall be registered in a



registry office or entered in any land titles office, unless the consent in writing of the chairman or a member of the Commission is endorsed thereon, and until such consent is so endorsed thereon, no land or any interest therein so conveyed or dealt with by a pensioner shall vest in any person named in such instrument.

- (4) The fee for registration of the notice shall be <sup>Fee on registration.</sup> seventy-five cents.
- (5) A notice registered under the provisions of this section may be discharged by a certificate (Form 3) signed by the chairman or any member of the Commission, accompanied by an affidavit of execution. <sup>Discharge of notice.</sup>
- (6) The fee for registration of a discharge shall be <sup>Fee for discharge.</sup> fifty cents.

3. *The Old Age Pensions Act, 1929*, is amended by adding <sup>1929, c. 73, amended.</sup> at the end thereof the following Schedule of Forms:

## SCHEDULE OF FORMS

### FORM 1

#### NOTICE GRANTING PENSION

*(Referred to in Subsection 1 of Section 10a)*

I, ..... of the City of Toronto,  
*(Name of Chairman or member of Commission)*  
 in the County of York ..... of The Old  
*(Chairman or Member of Commission)*  
 Age Pensions Commission for Ontario, hereby give notice that on the  
 ..... day of ..... 19....., a pension,  
 under the provisions of *The Old Age Pensions Act, 1929*, (Ontario), and  
 regulations thereunder, was granted to ..... of the .....  
*(Name of Pensioner)*  
 ..... of ..... in the  
 ..... of .....  
*(County or District)* ..... *(occupation)*

The following is a description of the land which the said .....  
 ..... owns or has an interest in: *(Name of Pensioner)*

*(Set out description of land.)*

This notice is given for the purpose of registration in the .....  
*(Registry or Land Titles Office)* of the ..... of .....  
*(City, County or District)*  
 Dated at Toronto, this ..... day of ..... 19.....  
 .....  
*Chairman or Member of Commission.*

### FORM 2

#### AFFIDAVIT VERIFYING NOTICE

*(Referred to in Subsection 2 of Section 10a)*

I, ..... of the City of Toronto,  
*(Name of Chairman or Member of Commission)*

in the County of York....., of The Old Age Pensions  
 Commission for Ontario, named in the above or attached notice, make  
 oath and say:

"That the facts set out in said notice are true."

Sworn before me at the.....of....., in the  
 .....of....., this  
 .....day of.....19.....

.....  
 (Chairman or Member of Commission)

---

FORM 3

CERTIFICATE OF DISCHARGE

(Referred to in Subsection 5 of Section 10a)

The Notice registered by The Old Age Pensions Commission for Ontario,  
 upon the following lands ....., dated the.....day of  
 .....  
 (set out lands)  
 ....., 19....., and registered the....., day  
 of....., as No. ...., in the.....  
 .....  
 (Registry or  
 Land Titles Office) (County or District)  
 is discharged.

.....  
 (Chairman or Member of Commission)

Commence-  
 ment of Act. 4. This Act shall come into force on the day upon which  
 it receives the Royal Assent.







BILL

An Act to amend The Old Age Pensions  
Act, 1929.

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*1st Reading*

March 13th, 1933

*2nd Reading*

March 21st, 1933

*3rd Reading*

March 29th, 1933

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MR. MARTIN, (Brantford)

---

No. 95

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Municipal Act.

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MR. JUTTEN

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TORONTO  
PRINTED BY HERBERT H. BALL  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

An Act to amend The Municipal Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 233, s. 46,  
subs. 7  
(1931, c. 50,  
s. 4), re-  
enacted.

1.—(1) Subsection 7 of section 46 of *The Municipal Act* as enacted by section 4 of *The Municipal Amendment Act, 1931*, is repealed and the following substituted therefor:

Council of  
City of  
Toronto.

(7) Notwithstanding anything in any special Act, the council of the city of Toronto shall consist of the mayor and four controllers to be elected by general vote, and two aldermen for each ward.

Subsection 1  
not to affect  
1933 council.

(2) Subsection 1 shall not affect the constitution of the said council for the year 1933.

Rev. Stat.,  
c. 233, s. 51,  
subs. 2,  
amended.

2.—(1) Subsection 2 of section 51 of *The Municipal Act* as amended by section 4 of *The Municipal Amendment Act, 1932*, is further amended by inserting the words "or farmer's sister" after the word "daughter" in the last line, so that the said subsection shall now read as follows:

Number of  
electors,—  
how deter-  
mined.

(2) The number of municipal electors shall be determined by the last revised voters' list but in counting the names, the name of the same person shall not be counted more than once, and the name of a person who is a municipal elector by reason of being the wife or husband of the person so rated or entitled to be rated for land as mentioned in clause *d* of subsection 1 of section 56, or who is entered on the list as a farmer's daughter or farmer's sister shall not be counted.



#### EXPLANATORY NOTES

Section 1. The object of this amendment is to reduce the number of aldermen in each ward in Toronto from three to two in accordance with the wish of the electors as expressed by their vote on the question at the last municipal election.

Section 2. Except as to subsection 4 the provisions contained in this section relate to the changes necessary to be made to *The Municipal Act* to entitle the wife of a farmer's son and a farmer's sister to a vote at municipal elections.

Two years ago the municipal franchise was extended to farmers' daughters and as a result thereof it has become apparent that with the franchise so extended an injustice was worked in many instances by a farmer's son's wife and a farmer's sister being deprived of the right to vote when farmers' daughters have been given the privilege. It is therefore thought desirable to extend the franchise to them and these provisions, together with corresponding changes in *The Assessment Act*, are necessary for the purpose.

The extension of the franchise cannot come into effect until 1935 as it is too late to have the matter dealt with for the assessment rolls of 1933 and the first step that has to be taken is to have the names of farmers' sons' wives and farmers' sisters entered on the assessment roll, which cannot happen now until 1934.

Rev. Stat.,  
c. 233, s. 56,  
subs. 1, cl. d,  
re-enacted.

(2) Clause *d* of subsection 1 of section 56 of *The Municipal Act* as amended by subsection 1 of section 8 of *The Municipal Amendment Act, 1931*, is repealed and the following substituted therefor:

- (d) Rated, or entitled to be rated to the amount herein-after mentioned on the last revised assessment roll of the local municipality for land held in his or her own right as owner or tenant or so rated or entitled to be rated for income, or who is the wife or husband of the person so rated or entitled to be rated for land as owner or tenant, or who is entered or was entitled to be entered on such roll as a farmer's son, farmer's daughter or farmer's sister or who is the wife of a person who is entered or was entitled to be entered on such roll as a farmer's son.

Rev. Stat.,  
c. 233, s. 56,  
subs. 6,  
amended.

(3) Subsection 6 of section 56 of *The Municipal Act* as amended by subsection 2 of section 8 of *The Municipal Amendment Act, 1931*, is further amended by adding after the words "farmer's daughter" where they occur in the third and fifth lines, the words "or a farmer's sister" and by adding after the word "mother" in the seventh line the words "or brother" and by adding at the end of the said subsection the words "and where under the provisions hereof a farmer's son is entered on the list his wife, if otherwise qualified, shall also be entered thereon," so that the said subsection shall now read as follows:

Farmers'  
sons,  
daughters  
and sisters.

- (6) A person not entitled under *The Assessment Act* to be entered on the last revised assessment roll as a farmer's son, or farmer's daughter, or farmer's sister by reason of not having resided on the farm as therein required, shall be entitled to be entered on the voters' list if he or she has the other qualifications of a farmer's son, or a farmer's daughter or a farmer's sister as prescribed by that Act and has resided on the farm of his or her father, or mother or brother for the twelve months next preceding the date of the final revision of the assessment roll or for the twelve months next preceding the last day for making complaint to the judge under *The Voters' Lists Act*, and where under the provisions hereof a farmer's son is entered on the list his wife, if otherwise qualified, shall also be entered thereon.

Rev. Stat.,  
c. 233, s. 56,  
amended.

(4) Section 56 of *The Municipal Act* as amended by section 8 of *The Municipal Amendment Act, 1931*, is further amended by adding thereto the following subsection:

Subsection 4 is for a different purpose, namely, to deal with many cases of injustice that arise through persons who are entitled to vote at municipal elections being left off the voters' list through a clerical error. It is proposed therefore to give the municipal clerk authority to issue a certificate to any person whose name is on the assessment roll but whose name has by error been left off the voters' list and who is not otherwise disqualified, so that such persons may exercise his franchise. The form of certificate is set out in section 14 of the Bill.

- (8) Where after the voters' list has been finally revised, the clerk is satisfied that the name of a person entitled to be entered thereon under this section has by error been omitted therefrom, he may, if such person is entered on the last revised assessment roll and is not otherwise disqualified, issue a certificate, Form 8A, authorising the returning officer or proper deputy returning officer to enter the name of such person on the voters' list to entitle him to vote as if his name had been entered thereon before the list was revised.

Rev. Stat.,  
c. 233, s. 56,  
subs. 7,  
amended.

- (5) Subsection 7 of section 56 of *The Municipal Act* as amended by subsection 3 of section 8 of *The Municipal Amendment Act, 1931*, is further amended by inserting the words "or farmer's sister" after the word "daughter" in the third line, so that the said subsection shall now read as follows:

Occasional  
or temporary  
absence.

- (7) Occasional or temporary absence from the farm for a time or times not exceeding in the whole six of the twelve months shall not disentitle a farmer's son, or farmer's daughter, or farmer's sister to be entered on the voters' list.

Rev. Stat.,  
c. 233, s. 57  
(1931,  
c. 50, s. 9),  
amended.

- (6) Section 57 of *The Municipal Act* as enacted by section 9 of *The Municipal Amendment Act, 1931*, is amended by inserting the words "or farmer's sister" after the word "daughter" in the eighth line, so that the said section shall now read as follows:

57. Subject to sections 60, 61 and 62, every person whose name is entered on the proper voters' list shall be entitled to vote at a municipal election, except that in the case of the wife or husband of a tenant she or he shall not be entitled to vote unless the tenant is a resident of the municipality at the date of and has resided therein for one month next before the election and in the case of a farmer's son, or farmer's daughter, or farmer's sister he or she is a resident of the municipality at the date of the election.

Rev. Stat.,  
c. 233, s. 58  
(1931,  
c. 50, s. 10),  
amended.

- (7) Section 58 of *The Municipal Act* as enacted by section 10 of *The Municipal Amendment Act, 1931*, is amended by inserting the words "or farmer's sister" after the word "daughter" in the third line, so that the said section shall now read as follows:

58. Except as to the disqualification arising from not residing in the municipality at the time of the election in the case of a farmer's son, or farmer's daughter,



or farmer's sister voter, or from the non-payment of taxes in the case of a voter whose name appears on the defaulters list, no question as to the qualifications of any person whose name is entered on the proper list of voters shall be raised at an election.

Rev. Stat., c. 233, s. 274, subs. 1, cl. bb (1931), amended. (8) Clause *bb* of subsection 1 of section 274 of *The Municipal Act* as enacted by section 17 of *The Municipal Amendment Act, 1931*, is amended by adding at the end thereof the words "or farmer's sister," so that the said clause shall now read as follows:

(*bb*) farmer's daughter or farmer's sister.

Rev. Stat., c. 233, s. 71, subs. 2, re-enacted. 3. Subsection 2 of section 71 of *The Municipal Act* is repealed and the following substituted therefor:

(2) Where less than half the members of the council are elected the clerk shall cause a new election to be held to fill the vacancies, and until such election is held and the council, or sufficient members to exceed one-half thereof when complete, are elected the council of the preceding year shall continue in office.

Rev. Stat., c. 233, s. 93, amended. 4. Section 93 of *The Municipal Act* is amended by adding thereto the following subsections:

(5) In a town the council may by by-law provide that the ballot papers for mayor, reeve and deputy reeve shall be prepared in separate sets, and in a village or township the council may by by-law provide that the ballot papers for reeve, deputy reeve and councillors shall be prepared in separate sets.

(6) A by-law for the purposes mentioned in subsection 5 shall be passed not later in the year than the 1st day of November and shall remain in force until repealed, and while in force the ballot papers, Form 3, 4 or 5 shall be varied accordingly.

Rev. Stat., c. 233, amended. 5. *The Municipal Act* is amended by adding thereto the following section:

225a.—(1) Where by the provisions of any general or special Act the mayor or reeve of a municipality is or becomes *ex-officio* a member of any board, commission or other body created by or under the authority of such Act, the council may by by-law passed with the written consent and approval of the mayor or reeve, as the case may be, appoint some



Section 3. *The Municipal Act* provides that where at an election more than one-half the council has been elected the new council commences to function and it orders a by-election to fill the vacancies, but where less than one-half the council has been elected the clerk has to order a new election for the whole council and the council of the previous year continues in office until such election is held. This last provision results in an injustice to the minority who have been regularly elected because it means they have to go back within a very short space of time and seek re-election with a whole new council. The object of the amendment is to provide that even although less than one-half the council is elected a by-election shall be held to fill the vacancies only and provision is made that the old council remain in office until at least one-half of the new council is elected.

Section 4. The Act at present does not permit separate ballot papers in towns for mayor, reeve and deputy reeve or in villages and townships for reeve, deputy reeve and councillors. The amendment is to permit of this being done.

Section 5. In cities and towns, and sometimes in townships, it is exceedingly difficult for the mayor or reeve to attend to all the duties of his office particularly when he is also made *ex-officio* a member of a good many local boards. For instance, the mayor of a city is a member of the public utilities commissions, of which there will be two or more, the library board, the board of health, the parks board, the police commission, etc., and very often the hospital board and other bodies. This results in mayors and Reeves having to neglect some one or more of what are popularly known as "subsidiary boards" as their time is fully occupied in attending to the general affairs of the corporation and to the meetings of the council and its committees as well as exercising general oversight over the running of all the affairs of the municipality.

To overcome this condition and to ensure that the affairs of any particular body will not be neglected and that its particular sphere of activities

other member of the council to act as member of any such board, commission or other body in the place and stead of the mayor or reeve to the extent set forth in the by-law and consent and approval.

- (2) A member of a council acting as a member of any board, commission or other body under the authority of a by-law passed under this section while so acting shall for all purposes be deemed to be the *ex-officio* member thereof designated by or under the authority of the Act creating or authorizing the creation of the board, commission or other body, in the place and stead of the mayor or reeve.
- (3) This section shall not apply to a board of commissioners of police constituted under this or any other general or special Act.

Rev. Stat.,  
c. 233, s. 307,  
(1932, c. 29,  
s. 10),  
amended.

6. Section 307 of *The Municipal Act*, as enacted by section 10 of *The Municipal Amendment Act, 1932*, is amended by adding thereto the following subsection:

- (5) The council may by by-law require that the estimates for the current year of every board, commission or other body for which the council is by law required to levy any rate or provide money, shall be submitted to the council on or before the 1st day of March in each year, and that such estimates shall be in the form and give the particulars which the by-law prescribes.

Rev. Stat.,  
c. 233, s. 334  
(1932,  
c. 29, s. 12),  
re-enacted

7. Section 334 of *The Municipal Act* as re-enacted by section 12 of *The Municipal Amendment Act, 1932*, is repealed and the following substituted therefor:

Current  
borrowings.

334.—(1) A council may by by-law either before or after the passing of the by-law for imposing the rates for the current year authorize the head and treasurer to borrow by way of promissory note such sums as the council may deem necessary to meet, until the taxes are collected, the current expenditures of the corporation for the year, including the amounts required for sinking fund, principal and interest falling due within the year upon any debt of the corporation, school purposes, special rates purposes, and for any board, commission or body, and other purposes for which the corporation is required by law to provide.

Limit upon  
borrowings.

- (2) The amount which may be borrowed in any year for the purposes mentioned in subsection 1 shall not, except with the approval of the Ontario Municipal



may be kept in tune with the general affairs of the municipality, it is thought desirable to permit the council, with the approval of the mayor or reeve, to pass a by-law substituting some other member of the council for the mayor or reeve as a member of any particular body or commission.

Section 6. One of the vital things in connection with the proper handling of the financial affairs of any municipality is to have its yearly estimates struck as soon as possible, particularly is this the case in our urban municipalities. One of the chief difficulties in the past which has prevented this action, has been the fact that there was no rule which required bodies for which the council had to impose taxation to have their estimates in early in the year. The amendment is to overcome this difficulty and to provide that all estimates shall be in not later than the 1st of March and that they be in the form specified by the council in order that ample information may be available not only for the purposes of the council in striking the tax rate, but for the benefit of the general body of ratepayers

Section 7. Last year some improvement was effected in the provisions as to current borrowings. Prior to that current borrowings had been based on the expenditures of the preceding year and as that was an unsound yard-stick to apply a change was made to provide that borrowings should be against the revenues of the preceding year and limited to 70 per cent. thereof, unless the Municipal Board authorized borrowings over that amount.

For a time last year some difficulty was experienced through an incorrect interpretation being placed upon the meaning of the word "revenue." In municipal finance that word has a well understood meaning and does not mean receipts.

Giving the word "revenue" its proper meaning it has been found that except in a very few instances, the limitation of 70 per cent. was sufficient and that it was unnecessary for the Municipal Board to make orders permitting borrowings over 70 per cent. Until the confusion as to the meaning of the word was removed, some orders had to be made to permit borrowings of more than 70 per cent. of receipts only.

It is now proposed to improve the provisions as to current borrowings and bring them more into line with actual current events of the year by providing that the borrowings for current purposes are to be calculated against the revenues of the current year as set forth in the estimates, with a proviso that until the estimates are struck the borrowings shall be temporarily calculated against the estimated revenues of the preceding year.

The provision as to limitation on the amount of borrowings remains the same and the Municipal Board is given authority to permit additional borrowings in proper cases.

Board, exceed seventy per centum of the total amount of the estimated revenues of the corporation as set forth in the estimates adopted for the year.

Temporary application of estimates of preceding year.

- (3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the corporation as set forth in the estimates adopted for the next preceding year.

Exclusion from estimated revenues.

- (4) For the purposes of subsections 2 and 3 estimated revenues shall not include revenues derivable or derived from arrears of taxes, borrowings and issues of debentures.

Lender not bound by application of borrowings etc.

- (5) The lender shall not be bound to establish the necessity of borrowing the sum lent or to see to its application.

Execution of promissory notes.

- (6) Any promissory note made under the authority of this section shall be executed in the same manner as a debenture as provided in subsection 1 of section 329.

Creation of charge.

- (7) The council may by by-law provide or authorize the head and treasurer by agreement to provide that all or any sums borrowed under the authority of this section shall, with interest thereon, be a charge upon and be repaid out of the whole or any part or parts of the revenues of the corporation as set forth in the estimates adopted for the year and for any preceding years as and when such revenues are received; provided that such charge shall not defeat or affect and shall be subject to any prior charge then subsisting in favour of any other lender.

Execution of agreements.

- (8) Any agreement entered into under subsection 7 shall be sealed with the corporate seal and signed by the head and treasurer.

Penalty for excess borrowings.

- (9) If the council authorize the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor shall be disqualified from holding any municipal office for two years.

Penalty for misapplication of revenues by council.

- (10) If the council authorize the application of any revenues of the corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who vote for such application shall be personally liable

Using the words "estimated revenues" more clearly indicates what is intended. To avoid confusion, revenues from arrears of taxes are to be excluded because they are really revenues of a previous year and not of the current year.

The new section also provides that all borrowings are to be made on promissory notes, so that there is exact evidence of the loan and the dangers which arise by borrowing by over-draft are avoided. The information that a council should have as to borrowings is at all times made certain and easy of ascertainment.

The provision as to the creation of a charge upon revenues to secure repayment of loans has been amended so that difficulties which many of our municipalities are facing through inability to collect taxes and discharge loans before the end of the year will be overcome. One of the difficulties to-day is that with an outstanding loan segregated against the revenues of a previous year, the credit of a municipality is embarrassed for necessary loans in the succeeding year. Under the new provision it will be possible to avoid this embarrassment by pooling past current loans against past and present revenues, with the necessary stipulation that prior charges are not to be affected. Future revenues cannot of course be charged.

for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty for misapplication of revenues by officials.

- (11) If any member of the council or officer of the corporation applies any revenues so charged as aforesaid otherwise than in repayment of the loan secured by such charge, he shall be personally liable for the amount so applied which may be recovered in any court of competent jurisdiction.

Saving clauses as to penalties.

- (12) Subsections 9, 10 and 11 shall not apply to a council or any member of a council or officer of a corporation acting under an order or direction issued or made under the authority of Part VI of *The Ontario Municipal Board Act, 1932*, or to any supervisor or committee of supervisors appointed thereunder, nor shall they apply in any case where application of the revenues of the corporation is made with the consent of the lender in whose favour a charge exists.

1932, c. 27.

Rev. Stat., c. 233, s. 407, heading amended.

- 8.—(1) Section 407 of *The Municipal Act* is amended by adding at the end of the heading thereof the words “and of townships bordering on cities having a population of not less than 100,000,” so that the said heading shall now read as follows:

407. BY-LAWS MAY BE PASSED BY THE COUNCILS OF CITIES AND OF TOWNSHIPS BORDERING ON CITIES HAVING A POPULATION OF NOT LESS THAN 100,000.

Rev. Stat., c. 233, s. 407, para. 1, amended.

- (2) Paragraph 1 of section 407 of *The Municipal Act* is amended by adding thereto the words “and for revoking the license, provided each such revocation is authorized by a resolution or by-law passed specifically for the purpose,” so that the paragraph shall now read as follows:

Licensing, regulating and governing bailiffs.

Revocation of license.

1. For licensing, regulating and governing bailiffs and for providing that each applicant for a license shall deposit with the issuer of licenses, with his application, such security or guarantee bond for such amount as may be required by the council of the municipality; and for revoking the license, provided each such revocation is authorized by a resolution or by-law passed specifically for the purpose.

Rev. Stat., c. 233, s. 411, para. 12, cl. a, re-enacted.

- 9.—(1) Clause *a* of paragraph 12 of section 411 of *The Municipal Act* is repealed and the following substituted therefor:

- (a) For the purposes of this paragraph a public garage shall include a building or place where motor vehicles

The provisions as to the liability of members of council are made a little more equitable by providing that disqualification shall occur only when members of council "knowingly" vote for excess borrowing, and in addition a saving clause is added to protect members of councils and officials applying revenues under the direction of supervisors or with the consent of the lender who has a charge upon the revenues.

Section 8. This section extends to townships bordering on large cities the power to license bailiffs. Power to both cities and such townships to revoke such licenses is granted, provided the council takes specific action thereon.

Section 9. Under the present Act there is no distinction between public garages and gasoline service stations and the object of this section is to make a distinction and to provide that a garage is a place that is used in accordance with the popular understanding of the word and that gasoline service stations shall be separately licensed, and to particularize the scope and operation of such places.

A proviso is added that a person who has a garage license shall not be required to take out an additional license for a gasoline service station.



are hired or kept or used for hire, or are stored or kept for sale, and a building used as a repair shop for motor vehicles.

Rev. Stat.,  
c. 233, s. 411,  
amended.

(2) Section 411 of *The Municipal Act* is amended by adding thereto the following paragraph:

Gasoline  
service  
stations.

12a. For licensing, regulating and governing the owners or keepers of gasoline service stations, for fixing the fee for such licenses, and for prohibiting the use thereof for any purposes other than those mentioned in clause *a* of this paragraph.

(a) For the purposes of this paragraph a gasoline service station shall include a building or place where gasoline or oils are stored or kept for sale, or where there is stored or kept for sale grease or anti-freeze for motor vehicles, or wherein lubricating, oiling, ignition adjustment, tire inflation or temporary repairs of motor vehicles is performed.

(b) No person who has a license for a public garage issued under the authority of a by-law passed pursuant to paragraph 12 of this section may while such license is in force be required to be licensed under the authority of any by-law passed pursuant to this paragraph.

Rev. Stat.,  
c. 233, s. 413,  
heading,  
amended.

10. Section 413 of *The Municipal Act* is amended by striking out the figures "100,000" where they occur in the heading of the said section and substituting therefor the figures "50,000," so that the said heading shall now read as follows:

413. BY-LAWS MAY BE PASSED BY THE COUNCILS OF CITIES HAVING A POPULATION OF NOT LESS THAN 50,000.

Rev. Stat.,  
c. 233, s. 414,  
amended.

11. Section 414 of *The Municipal Act* is amended by adding thereto the following paragraph:

Tourist  
camps.

16. For exercising the powers conferred on cities and towns by paragraph 4 of section 406.

Rev. Stat.,  
c. 233, s. 415,  
para. 12,  
amended.

12. Paragraph 12 of section 415 of *The Municipal Act* is amended by striking out the words "in the case of townships bordering on cities having a population of not less than 50,000" at the commencement thereof, so that the said paragraph shall now read as follows:

Section 10. The object of this amendment is principally to authorize the architect of all our larger cities to permit in special cases deviations to be made from the general building by-laws of the city.

Section 11. This will enable villages and townships within ten miles of a large city (100,000) to license and regulate tourist camps as lodging houses, so that a measure of control will be obtained to stamp out undesirable conditions which at the present time are entirely unregulated.

Section 12. Under the present Act only townships bordering on the larger cities may pass by-laws dealing with the change of street names in the same way as cities can. The amendment is to enable all townships to pass such by-laws.

12. For naming and changing the names of and surveying streets and for numbering houses and lots under and in conformity with paragraphs 39 and 40 of section 399.

Rev. Stat.,  
c. 233, s. 429,  
para. 6, cl. *d*  
(1929, c. 58,  
s. 12),  
amended.

**13.**—(1) Clause *d* of paragraph 6 of section 429 of *The Municipal Act* as re-enacted by section 12 of *The Municipal Amendment Act, 1929*, is amended by adding at the commencement thereof the words "Subject to the provisions of clause *dd*," so that the said clause shall now read as follows:

Fees.

- (*d*) Subject to the provisions of clause *dd* the fee to be paid for the license shall not be less than \$100 in any municipality and shall not exceed in a city or town \$500 and in a township or village \$300.

Rev. Stat.,  
c. 233, s. 429,  
para. 6,  
amended.

(2) Paragraph 6 of the said section 429, as amended by section 12 of *The Municipal Amendment Act, 1929*, and section 23 of *The Municipal Amendment Act, 1930*, is further amended by adding thereto the following clause:

Resident fee.

- (*dd*) The fee to be paid for the license by a farmer, resident in Ontario, who offers for sale only the produce of his own farm shall not exceed \$5.

Rev. Stat.,  
c. 233,  
amended.

**14.** *The Municipal Act* is amended by adding thereto the following form:

### FORM 8A

(Referred to in section 56, subsection 8)

Municipality of .....

Certificate to enter name on voters' list

I hereby certify that the name of the following person, that is to say:—

Name	Con- dition	Lot	Street or Con- cession	Owner, Tenant, Etc.	Post Office Address	Jurors' Column
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....

whose name is entered on the last revised assessment roll has been in error omitted from the last revised voters' list of this municipality and



Section 13. The object of this section is to permit farmers who are only offering for sale the produce of their own farms to come into a municipality and occupy premises at a license fee of \$5, so that they cannot be made subject to the ordinary transient traders' license fee which ranges from \$100 to \$500.

Section 14. This is the form referred to in subsection 4 of section 3 of the Bill.

that he is entitled to be entered thereon and to vote at the municipal poll to be held on the.....day of....., 19...., for Polling Subdivision No..... in the.....Ward, and this is your authority for entering the name of such person on the voters' list for the said subdivision and for permitting him to vote as if his name had been entered before the said list was revised.

Given under my hand, this.....day of.....19....

.....  
Clerk.

To the Returning Officer  
and Deputy Returning Officer,  
Polling Subdivision No.....Ward.

Commence-  
ment of Act.

**15.** This Act, other than sections 2 and 6, shall come into force on the day upon which it receives the Royal Assent. Section 2 shall take effect as may be necessary for annual municipal elections for the year 1935 whether the same are to be held under the provisions of section 72 or of sections 73, 74 or 75 of *The Municipal Act* and for all purposes shall come into force on the 1st day of January, 1935. Section 6 shall come into force on the 1st day of January, 1934.







190. 20  
BILL

An Act to amend The Municipal Act.

*1st Reading*

March 13th, 1933

*2nd Reading*

*3rd Reading*

MR. JUTTEN

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Vital Statistics Act.

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MR. ROBERTSON

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No. 96

1933

# BILL

## An Act to amend The Vital Statistics Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Vital Statistics Act, 1933*.

Rev. Stat.,  
c. 78, s. 20,  
subs. 1,  
amended.      **2.** Subsection 1 of section 20 of *The Vital Statistics Act* is amended by striking out the words "child was born" in the fourth line and inserting in lieu thereof the words "mother resides at the time of the birth," so that the subsection shall now read as follows:

Duty of  
medical  
practitioner.      (1) Every legally qualified medical practitioner who attends at the birth of a child shall within forty-eight hours give notice thereof in the prescribed form to the division registrar of the division in which the mother resides at the time of the birth.

Rev. Stat.,  
c. 78, s. 21,  
subs. 1,  
amended.      **3.** Subsection 1 of section 21 of *The Vital Statistics Act* is amended by striking out the words "child was born" in the third line and inserting in lieu thereof the words "mother resides at the time of the birth," so that the first three lines of the subsection shall now read as follows:

Who to  
register with.      (1) When a child is born registration of the birth in the prescribed form shall be made with the division registrar in the division in which the mother resides at the time of the birth,—

\*   \*   \*   \*   \*   \*   \*   \*

Commence-  
ment of Act.      **4.** This Act shall come into force on the day upon which it receives the Royal Assent.



#### EXPLANATORY NOTE

Owing to the fact that so many babies are now born in hospitals in municipalities where the parents do not reside, the birth is not registered in the municipality of real residence and this amendment is to remedy that situation.

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BILL

An Act to amend The Vital Statistics Act.

---

*1st Reading*

March 13th, 1933

*2nd Reading*

*3rd Reading*

---

MR. ROBERTSON

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No. 97

---

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Municipal Act.

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MR. McLEAN

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TORONTO  
PRINTED BY HERBERT H. BALL  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 97

1933

# BILL

An Act to amend The Municipal Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 233, s. 399,  
para. 45,  
amended.

1. Paragraph 45 of section 399 of *The Municipal Act* is amended by adding after the word "chimney" in the eighth line the words: "and to prevent the emission to the atmosphere of noxious fumes or gases from such furnace or fire."

#### EXPLANATORY NOTES

Paragraph 45 now deals with the prevention of the emission to the atmosphere of smoke.

In recent years, it has been found that with the change in the character of fuel, while the smoke nuisance may have been lessened, there has been an increase in the emission of noxious fumes and gases which are detrimental to the health of the community. The amendment proposes to give cities the right to require the prevention of the emission of such fumes and gases.

BILL  
An Act to amend The Municipal Act.

---

*1st Reading*

March 14th, 1933

*2nd Reading*

*3rd Reading*

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MR. MCLEAN

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No. 98

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Assessment Act.

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MR. BELL

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TORONTO  
PRINTED BY HERBERT H. BALL  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 98

1933

# BILL

An Act to amend The Assessment Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 238, s. 11,  
subs. 1,  
amended.

1. Subsection 1 of section 11 of *The Assessment Act* is amended by adding at the end thereof the following words: "and if in any year he resides in more than one municipality he shall for the purposes of this section be deemed to reside in the municipality in which he resides for the greater portion of the year."



#### EXPLANATORY NOTE

The purpose of this Bill is to take care of the case which frequently arises of an income taxpayer having more than one place of residence, and the Bill is self-explanatory.

BILL

An Act to amend The Assessment Act.

*1st Reading*

March 14th, 1933

*2nd Reading*

*3rd Reading*

MR. BELL

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Innkeepers Act.

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MR. MURPHY (St. Patrick)

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TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act to amend The Innkeepers Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      1. This Act may be cited as *The Innkeepers Act, 1933*.

Rev. Stat.,  
c. 210, s. 6,  
repealed.      2. Section 6 of *The Innkeepers Act* is repealed and the following substituted therefor:

Limitation  
upon lien of  
innkeeper.

6.—(1) Where the claim under the lien of any innkeeper, lodging-house keeper or boarding-house keeper upon the goods of his guest exceeds the amount due in respect of one week's board or lodging, such guest may on payment or tender of that amount or of any less amount due, obtain possession of such goods at any time before sale thereof whatever may be the amount due by the guest, unless a police magistrate upon application to him shall otherwise order.

Jurisdiction  
of police  
magistrate.

(2) In case of any retention or seizure by any innkeeper, lodging-house keeper or boarding-house keeper, the guest or owner of the goods seized may apply to a police magistrate who may in a summary manner dispose of the matter and make such order as to the custody of the goods as may seem fair to him under the circumstances of the case notwithstanding the lien created by this Act or otherwise.

Penalties.  
Rev. Stat.,  
c. 121.

(3) In case of a contravention of this section complaint may be laid before a police magistrate who shall deal with the matter under *The Summary Convictions Act* and in case of disobedience to any order made, may punish the offending party by fine not exceeding \$50 or by imprisonment not exceeding thirty days, or both.

Discretion of  
magistrate.

(4) Notwithstanding anything in this Act contained a police magistrate acting under the provisions of

#### EXPLANATORY NOTES

As the law stands at present there is no limitation upon the lien of an innkeeper, lodging-house keeper or boarding-house keeper and there are no exemptions as in the case of an execution or ordinary tenancy. In some cases men have been prevented from working through seizure of their chattel property.

The proposed section is intended to make a reasonable provision for the settlement of disputes between innkeepers, lodging-house keepers and boarding-house keepers and the owner of the goods seized because sometimes the goods seized are not the property of the person from whom the money is due.

subsections 1 to 3 shall exercise his absolute discretion as to the disposal of any matter coming before him under such subsections.

Commence-  
ment of Act. **3.** This Act shall come into force on the day upon which it receives the Royal Assent.









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BILL

An Act to amend The Innkeepers Act.

---

*1st Reading*

March 14th, 1933

*2nd Reading*

*3rd Reading*

---

MR. MURPHY (St. Patrick)

---

No. 99

---

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Innkeepers Act.

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MR. MURPHY (St. Patrick)

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TORONTO  
PRINTED BY HERBERT H. BALL  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act to amend The Innkeepers Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- |  |  |
|--|--|
| Short title.                                     | 1. This Act may be cited as <i>The Innkeepers Act, 1933</i> .  |
| Rev. Stat.,<br>c. 210, s. 6,<br>re-enacted.      | 2. Section 6 of <i>The Innkeepers Act</i> is repealed and the following substituted therefor:  |
| Limitation<br>upon lien of<br>innkeeper,<br>etc. | 6.—(1) Subject to the provisions of subsection 5 where the claim under the lien of any innkeeper, lodging-house keeper or boarding-house keeper upon the goods of his guest exceeds the amount due in respect of one week's board or lodging, such guest may on payment or tender of that amount, obtain possession of such goods at any time before sale thereof whatever may be the amount due by the guest, unless a police magistrate upon application to him shall otherwise order. |
| Jurisdiction<br>of police<br>magistrate.         | (2) In case of any retention or seizure by any innkeeper, lodging-house keeper or boarding-house keeper, the guest or owner of the goods seized may apply to a police magistrate who may in a summary manner make such order as to the custody of the goods as may seem fair to him under the circumstances of the case notwithstanding the lien created by this Act or otherwise.   |
| Penalties.                                       | (3) In case of a contravention of this section complaint may be laid before a police magistrate who shall deal with the matter under <i>The Summary Convictions Act</i> and in case of disobedience to any order made, may punish the offending party by fine not exceeding \$50 or by imprisonment not exceeding thirty days, or both.  |
| Rev. Stat.,<br>c. 121.                           |  |
| Discretion of<br>magistrate.                     | (4) Notwithstanding anything in this Act contained a police magistrate acting under the provisions of  |

subsections 1 to 3 shall exercise his absolute discretion as to the disposal of any matter coming before him under such subsections.

- (5) Where possession of the goods of a guest is claimed by an innkeeper under his lien thereon, the guest or the owner of such goods shall only be entitled to obtain possession thereof under the provisions of subsection 1 by an order of a police magistrate upon application made by the guest or owner for such order and after notice of the application has been given in writing to the innkeeper in accordance with the directions of the magistrate.
- Application for recovery where goods held by innkeeper.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement of Act.

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BILL

An Act to amend The Innkeepers Act.

---

*1st Reading*

March 14th, 1933

*2nd Reading*

March 20th, 1933

*3rd Reading*

April 13th, 1933

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MR. MURPHY (St. Patrick)

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act respecting Nursery Stock.

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MR. FINLAYSON

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# BILL

## An Act respecting Nursery Stock.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Nursery Stock Act, 1933*.

Interpretation,—      **2.** In this Act,—

“Department.”      (a) “Department” shall mean Department of Lands and Forests;

“Forestry purposes.”      (b) “Forestry purposes” shall mean the growing of trees for timber, lumber, fuel-wood, pulpwood, ties, saw-logs and other forest products;

“Nursery stock.”      (c) “Nursery stock” shall mean coniferous or hardwood seedlings, transplants, cuttings, rooted cuttings, grafts, or trees propagated or grown in a nursery.

Prohibition against selling, etc., nursery stock, supplied or sold by Department for certain purposes.      **3.** It shall be unlawful for any person directly or indirectly, or on any pretence or device to sell or expose or keep for sale for any valuable consideration any nursery stock given free of charge for any purpose whatsoever or sold by the Department for reforestation, windbreak planting or forestry purposes.

False statement in application for nursery stock.      **4.** It shall be unlawful for any person to knowingly make any false statement of fact in any application required by the Department to be made for the gift or sale to such person of nursery stock by the Department.

Penalty.      **5.** Every person who contravenes any of the provisions of this Act shall incur a penalty of not less than \$5 nor more than \$50 for each offence and the same shall be recoverable under *The Summary Convictions Act*.

Rev. Stat., c. 121.      **6.** This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement of Act.



#### EXPLANATORY NOTE

The Province in supplying or selling nursery stock for reforestation, etc., does so on the expectation that such stock will not be offered for sale. As instances of selling nursery stock have come to the notice of the Department, it is desirable to stop the practice and impose penalties

## BILL

An Act respecting Nursery Stock.

*1st Reading*

March 15th, 1933

*2nd Reading*

*3rd Reading*

MR. FINLAYSON

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act respecting Nursery Stock.

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MR. FINLAYSON

---

No. 100

1933

# BILL

## An Act respecting Nursery Stock.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Nursery Stock Act, 1933*.

Interpretation,—      **2.** In this Act,—

"Department."      (a) "Department" shall mean Department of Lands and Forests;

"Forestry purposes."      (b) "Forestry purposes" shall mean the growing of trees for timber, lumber, fuel-wood, pulpwood, ties, saw-logs and other forest products;

"Nursery stock."      (c) "Nursery stock" shall mean coniferous or hardwood seedlings, transplants, cuttings, rooted cuttings, grafts, or trees propagated or grown in a nursery.

Prohibition against selling, etc., nursery stock, supplied or sold by Department for certain purposes.      **3.** It shall be unlawful for any person directly or indirectly, or on any pretence or device to sell or expose or keep for sale for any valuable consideration any nursery stock given free of charge for any purpose whatsoever or sold by the Department for reforestation, windbreak planting or forestry purposes.

False statement in application for nursery stock.      **4.** It shall be unlawful for any person to knowingly make any false statement of fact in any application required by the Department to be made for the gift or sale to such person of nursery stock by the Department.

Penalty.      **5.** Every person who contravenes any of the provisions of this Act shall incur a penalty of not less than \$5 nor more than \$50 for each offence and the same shall be recoverable under *The Summary Convictions Act*.

Rev. Stat., c. 121.      **6.** This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement of Act.



BILL

An Act respecting Nursery Stock.

*1st Reading*

March 15th, 1933

*2nd Reading*

March 21st, 1933

*3rd Reading*

March 29th, 1933

MR. FINLAYSON

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Legislative Assembly Act.

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MR. NIXON

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No. 101

1933

# BILL

An Act to amend The Legislative Assembly Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Legislative Assembly Act, 1933*.

Rev. Stat.,  
c. 12, s. 3,  
re-enacted.      **2.** Section 3 of *The Legislative Assembly Act* as amended by section 2 of *The Legislative Assembly Act, 1930*, is repealed and the following substituted therefor:

Duration of  
Assembly.      **3.—(1)** The present Assembly shall continue for four years from the fifty-fifth day after the date of the writs for the election and no longer, subject to being sooner dissolved by the Lieutenant-Governor.

(2) Every Assembly subsequent to the present Assembly shall continue for five years from the fifty-fifth day after the date of the writs for the election and no longer, subject to being sooner dissolved by the Lieutenant-Governor.

Commence-  
ment of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.



#### EXPLANATORY NOTE

The repealed section which was amended after the present Assembly was elected, provided that the lifetime of the Assembly should be five years. The object of this amendment is to restore the four-year term for the present Assembly and to provide that the five-year term shall apply to all future Assemblies.

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BILL

An Act to amend The Legislative Assembly  
Act.

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*1st Reading*

March 15th, 1933

*2nd Reading*

*3rd Reading*

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MR. NIXON

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to appropriate \$3,000,000 for Northern Development Purposes.

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MR. FINLAYSON

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No. 102

1933

# BILL

An Act to appropriate \$3,000,000 for Northern  
Development Purposes.

**H**IS MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:

Short title.     **1.** This Act may be cited as *The Northern Ontario  
Appropriation Act, 1933*.

Additional  
appropria-  
tion of  
\$3,000,000.     **2.** In addition to the amounts provided by *The Northern  
Ontario Appropriation Acts* heretofore enacted, there shall be  
set apart out of the Consolidated Revenue Fund the sum of  
\$3,000,000 and the same shall be applied for the purposes  
set out in *The Northern Development Act* and in *The Returned  
Soldiers' and Sailors' Land Settlement Acts*, or any of them.

Rev. Stat.,  
c. 36;  
1917, c. 13;  
1919, c. 15.

When  
additional  
sums  
required.     **3.** The Lieutenant-Governor in Council may place to the  
credit of the said fund such additional sum or sums as may  
be required to meet payments, which may be authorized to  
be met out of the said fund and for the purposes set out in  
the said Acts or any of them.

Commence-  
ment of Act.     **4.** This Act shall come into force on the day upon which  
it receives the Royal Assent.



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BILL

An Act to appropriate \$3,000,000 for  
Northern Development Purposes.

---

*1st Reading*

March 15th, 1933

*2nd Reading*

*3rd Reading*

---

MR. FINLAYSON

---

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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## BILL

An Act to appropriate \$3,000,000 for Northern Development Purposes.

---

MR. FINLAYSON

---

No. 102

1933

# BILL

An Act to appropriate \$3,000,000 for Northern Development Purposes.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Northern Ontario Appropriation Act, 1933*.

Additional appropriation of \$3,000,000.

2. In addition to the amounts provided by *The Northern Ontario Appropriation Acts* heretofore enacted, there shall be set apart out of the Consolidated Revenue Fund the sum of \$3,000,000 and the same shall be applied for the purposes set out in *The Northern Development Act* and in *The Returned Soldiers' and Sailors' Land Settlement Acts*, or any of them.

Rev. Stat., c. 36;  
1917, c. 13;  
1919, c. 15.

When additional sums required.

3. The Lieutenant-Governor in Council may place to the credit of the said fund such additional sum or sums as may be required to meet payments, which may be authorized to be met out of the said fund and for the purposes set out in the said Acts or any of them.

Commencement of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.





BILL

An Act to appropriate \$3,000,000 for Northern Development Purposes.

*1st Reading*

March 15th, 1933

*2nd Reading*

March 22nd, 1933

*3rd Reading*

April 6th, 1933

MR. FINLAYSON

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Municipal Act.

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MR. MURPHY (Beaches)

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# BILL

An Act to amend The Municipal Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 233, s. 411,  
amended.

1. Section 411 of *The Municipal Act* is amended by adding thereto the following paragraph,—

Licensing,  
etc., persons  
retailing  
goods of  
bankrupt,  
insolvent,  
etc.

14. For licensing, regulating and governing all persons who conduct any sale by retail of goods, wares or merchandise represented as a sale for the closing out or liquidation of the stock of a bankrupt or insolvent or of stock damaged by or by reason of fire or water or as a sale of stock to be sold on behalf of any assignee for benefit of creditors, adjuster, trustee, executor, administrator, receiver, wholesaler, jobber or manufacturer, and for requiring such persons to take out a license before commencing any such sale and to pay a license fee therefor.

Term  
of license.

(a) The license shall be in force for a period of not less than thirty days and not more than ninety days.

License fee.

(b) The fee to be paid for a license for a period not exceeding thirty days shall be \$25; for a period not exceeding sixty days \$50; and for a period not exceeding ninety days \$75.

Statement to  
be furnished.

(c) Every applicant for such a license shall as part of his application furnish to such official of the corporation as the council may designate a statement in writing containing a full and complete list and description of the goods, wares or merchandise which he proposes to sell or offer for sale under such license and the

#### EXPLANATORY NOTES

During recent years a practice has developed of advertising closing out, liquidation, bankruptcy or fire sales of stock or merchandise in retail stores and of making considerable additions to such stock from time to time as the sale proceeds, and by that means sales have been permitted which are not as legitimate as from the advertisements thereof would appear.

The object of the amendment is to obtain control over sales which are thus advertised to prevent fraud being practised.

wholesale price thereof, which statement shall be signed by the applicant and verified by his affidavit or statutory declaration.

Verification  
of statement.

- (d) Any official to whom such a statement has been furnished may take such steps as he may deem necessary to further verify the correctness of such statement and to ensure that no goods, wares or merchandise not included in such statement are being or will be sold during the sale and for that purpose shall have the right from time to time to enter upon any premises in or on which the goods, wares or merchandise may be stored or where the same are being sold and to check and verify the items of merchandise offered for sale.

Right of  
entry and  
inspection of  
goods, etc.

Carrying  
on business  
without  
license.

- (e) Every person who commences or carries on such a sale without obtaining the license therefor shall be guilty of an offence and shall incur a penalty equal to the license fee which he should have paid and in addition thereto the sum of not less than \$10 and not more than \$200.

Penalties.

Sale,  
etc., of un-  
authorized  
goods, etc.

- (f) Every person licensed under such a by-law who sells or offers or exposes for sale at any sale conducted under the license any goods, wares or merchandise which are not included in the statement furnished to the corporation's official or which are not part of the regular stock which is being liquidated or closed out by the sale shall be guilty of an offence and shall incur a penalty of not more than \$300.

Penalty.

When  
provisions of  
paragraph  
not to apply.

- (g) This paragraph shall not apply to any sale by a trustee in bankruptcy or under the order of any court.









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BILL

An Act to amend The Municipal Act.

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*1st Reading*

March 16th, 1933

*2nd Reading*

*3rd Reading*

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MR. MURPHY (Beaches)

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No. 104

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Assessment Act.

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MR. BAIRD

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TORONTO  
PRINTED BY HERBERT H. BALL  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act to amend The Assessment Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 238, s. 9,  
amended.

1. Section 9 of *The Assessment Act* is amended by adding thereto the following subsection:

Business  
assess-  
ment,—  
when section  
not to apply.

(13) This section shall not apply to any incorporated company, which is directly or indirectly controlled by one person or by one or more members of the same family, and the greater part of the revenue of which is derived from all or any of the following sources, namely:

- (a) From the ownership of or the trading or dealing in bonds, stocks or shares, mortgages, bills, notes or other similar property;
- (b) From the lending of money with or without security or by way of rent, annuity, royalty, interest or dividend;
- (c) From or by virtue of any right, estate or interest in or to any estate or trust.

#### EXPLANATORY NOTES

An incorporated company, like an individual, is subject to business assessment upon the property which it occupies but an incorporated company is not subject to income assessment if it is subject to business assessment whereas an individual is subject to income assessment to the extent that his income exceeds the amount of such business assessment.

As a result of this difference in the provisions of *The Assessment Act* many companies have been incorporated which are merely holding companies of the class known as "personal companies" for the purpose of enabling the individuals which form these companies to escape income tax. In many instances these companies occupy small office space and thus become subject to business assessment and are exempt from income assessment.

The object of the Bill is to provide that companies of the character above mentioned shall not be assessed for business assessment but shall be assessed for income.

BILL

An Act to amend The Assessment Act.

*1st Reading*

March 17th, 1933

*2nd Reading*

*3rd Reading*

MR. BAIRD

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Factory, Shop and Office Building Act.

---

MR. MONTEITH

---

No. 105

1933

# BILL

## An Act to amend The Factory, Shop and Office Building Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Factory, Shop and Office Building Act, 1933*.

1932,  
c. 35, s. 30,  
amended.

**2.** Section 30 of *The Factory, Shop and Office Building Act, 1932*, is amended by striking out the figures "31" in the first line thereof.

1932,  
c. 35, s. 31,  
repealed.

**3.** Section 31 of *The Factory, Shop and Office Building Act, 1932*, is repealed.

1932,  
c. 35, s. 58,  
subs. 7,  
amended.

**4.** Subsection 7 of section 58 of *The Factory, Shop and Office Building Act, 1932*, is amended by adding thereto the following clause:

(c) Used in connection with any hot water heating system.

Commence-  
ment of Act.

**5.** This Act shall come into force on the day upon which it receives the Royal Assent.



#### EXPLANATORY NOTES

Section 2. This amendment is merely to conform with the amendment made by the next section.

Section 3. This repeals section 31 of the Act because that section is merely a repetition, in a somewhat different and rather contradictory form, of the provisions of clause *b* of section 30 dealing with employees in shops. Section 30 adequately covers the situation.

Section 4. This section excepts from inspection any boiler or pressure vessels used in connection with any hot-water heating system.

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BILL

An Act to amend The Factory, Shop and  
Office Building Act.

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*1st Reading*

March 17th, 1933

*2nd Reading*

*3rd Reading*

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MR. MONTEITH

---

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

---

# BILL

An Act to amend The Factory, Shop and Office Building Act.

---

MR. MONTEITH

---

No. 105

1933

# BILL

An Act to amend The Factory, Shop and Office Building Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Factory, Shop and Office Building Act, 1933*.

1932,  
c. 35, s. 30,  
amended.

**2.** Section 30 of *The Factory, Shop and Office Building Act, 1932*, is amended by striking out the figures "31" in the first line thereof.

1932,  
c. 35, s. 31,  
repealed.

**3.** Section 31 of *The Factory, Shop and Office Building Act, 1932*, is repealed.

1932,  
c. 35, s. 58,  
subs. 7,  
amended.

**4.** Subsection 7 of section 58 of *The Factory, Shop and Office Building Act, 1932*, is amended by adding thereto the following clause:

(c) Used in connection with any hot water heating system of the open type.

Commence-  
ment of Act.

**5.** This Act shall come into force on the day upon which it receives the Royal Assent.



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BILL

An Act to amend The Factory, Shop and  
Office Building Act.

---

*1st Reading*

March 17th, 1933

*2nd Reading*

March 21st, 1933

*3rd Reading*

March 29th, 1933

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MR. MONTEITH

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
22 GEORGE V, 1933

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# BILL

An Act to amend The Liquor Control Act.

---

MR. PRICE (Parkdale)

---

No. 106

1933

# BILL

## An Act to amend The Liquor Control Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      1. This Act may be cited as *The Liquor Control Act, 1933*.

Rev. Stat.,  
c. 257, s. 87,  
re-enacted.      2. Section 87 of *The Liquor Control Act* is repealed, and the following substituted therefor:

Fresh  
application.      87.—(1) Subject to the provisions of subsection 2, no person whose permit is suspended or cancelled shall during the period of such suspension or after such cancellation hold, possess or make application for another permit under this Act.

(2) Subsection 1 shall not create an offence for any person whose permit is suspended or cancelled making application to the Board for return of such suspended permit or issue of a new permit.

Rev. Stat.,  
c. 257, s. 103,  
amended.      3. Clause *a* of subsection 3 of section 103 of *The Liquor Control Act* as enacted by section 11 of *The Liquor Control Amendment Act, 1929*, is repealed and re-enacted as subsection 5 of said section 103 and shall now read as follows:—

Penalties.  
Illegal  
consump-  
tion.      (5) Everyone who violates any of the provisions of subsection 2 of section 81 shall be liable for a first offence to a penalty of not less than \$10 nor more than \$50, and in default of immediate payment to imprisonment for not more than thirty days; for a second offence to a penalty of not less than \$50 nor more than \$100, and in default of immediate payment to imprisonment for not less than one month nor more than two months, and for a third or subsequent offence, to imprisonment for not less than three months nor more than six months without the option of a fine.



#### EXPLANATORY NOTES

SECTION 2. In view of the amendment made to Section 43 of the Act in 1932 with respect to cancellation of permits, it is desirable to rewrite Section 87 in slightly different form so as to conform to the amendment of 1932.

SECTION 3. Clause *a* of subsection 3 of section 103 of the Act as introduced in 1929 deals with penalties for the offence of drunkenness in public places, and it has no relation to the matters covered by the other part of the subsection. It is desirable to re-enact clause *a* as a separate subsection.

Rev. Stat.,  
c. 257, s. 104,  
subs. 3,  
(1929, c. 69,  
s. 12),  
amended.

4. Subsection 3 of section 104 of *The Liquor Control Act* as enacted by section 12 of *The Liquor Control Amendment Act, 1929*, is amended by adding thereto the following words:

“provided, however, that it shall not be necessary to set out in the information charging the offence or in the conviction, the value of the liquor or the fact that such liquor was not purchased in accordance with the provisions of this Act,”

so that the said subsection shall now read as follows:

Increased  
penalties  
in certain  
cases.

- (3) Where any person charged with an offence against any of the provisions of this Act, is found in possession of liquor purchased in accordance with the provisions of this Act, which liquor exceeds the sum of \$50 in value, or where such person is found in possession of any liquor not purchased in accordance with the provisions of this Act, the justice making the conviction shall in addition to any other penalty prescribed, impose on such person a sentence of not less than one month nor more than three months' imprisonment unless such person establishes, to the satisfaction of the justice, the circumstances under which such liquor was obtained, the person from whom such liquor was so obtained and the manner in which it came into the possession of the person so charged; provided, however, that it shall not be necessary to set out in the information charging the offence or in the conviction, the value of the liquor or the fact that such liquor was not purchased in accordance with the provisions of this Act.

Commence-  
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

SECTION 4. To remove doubt as to the intent of subsection 3 of section 104 of the Act it is desirable to expressly state that it is unnecessary for the information or conviction to actually specify as to the value of the liquor or as to illegal purchase.





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BILL

An Act to amend The Liquor Control Act

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*1st Reading*

March 17th, 1933

*2nd Reading*

*3rd Reading*

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MR. PRICE (Parkdale)

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
22 GEORGE V, 1933

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# BILL

An Act to amend The Liquor Control Act.

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MR. PRICE (Parkdale)

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# BILL

## An Act to amend The Liquor Control Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Liquor Control Act, 1933*.

Rev. Stat.,  
c. 257, s. 87,  
re-enacted.

**2.** Section 87 of *The Liquor Control Act* is repealed, and the following substituted therefor:

Fresh  
application.

87.—(1) Subject to the provisions of subsection 2, no person whose permit is suspended or cancelled shall during the period of such suspension or after such cancellation hold, possess or make application for another permit under this Act.

(2) Subsection 1 shall not create an offence for any person whose permit is suspended or cancelled making application to the Board for return of such suspended permit or issue of a new permit.

Rev. Stat.,  
c. 257, s. 103,  
(1929, c. 69,  
s. 11),  
amended.

**3.** Clause *a* of subsection 3 of section 103 of *The Liquor Control Act* as enacted by section 11 of *The Liquor Control Amendment Act, 1929*, is repealed and re-enacted as subsection 5 of said section 103 and shall now read as follows:—

Penalties.

Illegal  
consump-  
tion.

(5) Everyone who violates any of the provisions of subsection 2 of section 81 shall be liable for a first offence to a penalty of not less than \$10 nor more than \$50, and in default of immediate payment to imprisonment for not more than thirty days; for a second offence to a penalty of not less than \$50 nor more than \$100, and in default of immediate payment to imprisonment for not less than one month nor more than two months, and for a third or subsequent offence, to imprisonment for not less than three months nor more than six months without the option of a fine.



4. Subsection 3 of section 104 of *The Liquor Control Act* Rev. Stat., c. 257, s. 101,  
 as enacted by section 12 of *The Liquor Control Amendment* subs. 3,  
*Act, 1929*, is amended by adding thereto the following words: (1929, c. 69, s. 12),  
 amended.

“provided, however, that it shall not be necessary to set out in the information charging the offence or in the conviction, the value of the liquor or the fact that such liquor was not purchased in accordance with the provisions of this Act,”

so that the said subsection shall now read as follows:

- (3) Where any person charged with an offence against Increased penalties in certain cases.  
 any of the provisions of this Act, is found in possession of liquor purchased in accordance with the provisions of this Act, which liquor exceeds the sum of \$50 in value, or where such person is found in possession of any liquor not purchased in accordance with the provisions of this Act, the justice making the conviction shall in addition to any other penalty prescribed, impose on such person a sentence of not less than one month nor more than three months' imprisonment unless such person establishes, to the satisfaction of the justice, the circumstances under which such liquor was obtained, the person from whom such liquor was so obtained and the manner in which it came into the possession of the person so charged; provided, however, that it shall not be necessary to set out in the information charging the offence or in the conviction, the value of the liquor or the fact that such liquor was not purchased in accordance with the provisions of this Act.

5. This Act shall come into force on the day upon which Commencement of Act.  
 it receives the Royal Assent.

BILL

An Act to amend The Liquor Control Act

*1st Reading*

March 17th, 1933

*2nd Reading*

March 24th, 1933

*3rd Reading*

April 6th, 1933

Mr. PRICE (Parkdale)

No. 107

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Municipal Franchises Act.

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MR. MCCREA

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No. 107

1933

# BILL

An Act to amend The Municipal Franchises Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.     **1.** This Act may be cited as *The Municipal Franchises Act, 1933*.

Rev. Stat.,  
c. 240,  
amended.     **2.** *The Municipal Franchises Act* is amended by adding thereto the following section:

When  
approval of  
Lieutenant-  
Governor in  
Council  
necessary for  
construction  
of works and  
supplying  
of gas. . .

**8.—(1)** Notwithstanding anything in this or any other general or special Act contained, no person shall without the approval of the Lieutenant-Governor in Council construct any works to supply or supply

(a) natural gas in any municipality in which such person was not on the 1st day of April, 1933, supplying gas; or

(b) gas in any municipality in which such person was not on the 1st day of April, 1933, supplying gas and in which gas was then being supplied.

"Gas,"—  
meaning of.

**(2)** For the purposes of this section "gas" shall mean and include, artificial gas, natural gas and any gas which is a mixture of artificial and natural gas.

When  
approval  
to be  
withheld.

**(3)** No approval shall be given under this section by the Lieutenant-Governor in Council unless and until the Ontario Municipal Board certifies in writing to the Lieutenant-Governor that public convenience and necessity appear to require that such approval be given.

Jurisdiction  
of Ontario  
Municipal  
Board.

**(4)** The Ontario Municipal Board shall have and may exercise jurisdiction and power necessary for the

#### EXPLANATORY NOTES

In 1931 it became necessary in the public interest to provide a measure of control over persons seeking municipal gas franchises in a locality where the granting of such franchises would be against such interest through the introduction of competitive methods which might be ruinous to existing gas supply systems in the locality.

At that time the municipal jurisdiction of the Ontario Railway and Municipal Board was not extended as it has since been, and it was concluded that for the time being the necessary powers of control should be vested in the Minister of Mines and accordingly by section 3 of *The Statute Law Amendment Act, 1931*, such powers were conferred upon the Minister.

Now that the municipal jurisdiction of the Ontario Municipal Board (as its name now is) has been enlarged and certain matters pending before the Minister in 1932 have been disposed of, it is possible and desirable that the control be transferred to the Board as provided for in this Bill. In that way it is felt the public interest will adequately be protected and these matters will be divorced from the political arena.

The contents of the Bill are self-explanatory, and it will be noticed therefrom that an appeal may be taken from any decision of the Municipal Board to the Appellate Division of the Supreme Court, thus making doubly certain that all meritorious rights will be protected and the public interest served.

The jurisdiction of the Minister will be abolished by an appropriate clause in The Statute Law Amendment Bill.

purposes of this section and to grant or refuse to grant any certificate of public convenience and necessity, but no such certificate shall be granted or refused until after the Board has held a public hearing to deal with the matter upon application made to it therefor, and of which hearing such notice shall be given to such persons and municipalities as the Board may deem to be interested or affected and otherwise as the Board may direct.

Appeal from  
decision of  
Board.

- (5) With leave of a judge thereof, an appeal shall be upon any question of law or fact to the Appellate Division of the Supreme Court from any decision of the said Board granting or refusing to grant a certificate under this section; provided application for leave to appeal is made within fifteen days from the time when such decision is given.

Certificate of  
Board,—  
time for  
issuing.

- (6) The said Board shall not issue any certificate under this section until after the expiration of fifteen days from the time of its decision to grant the same is given or in the event of an appeal from such decision until after the time when such appeal is determined or leave to appeal is refused.

Judgment of  
Appellate  
Division to  
be final.

- (7) Upon an appeal to the Appellate Division of the Supreme Court its judgment thereon shall be final and not subject to further appeal therefrom, and the Ontario Municipal Board shall, if and as may be necessary, amend or vary its decision to conform to such judgment and grant or refuse to grant a certificate under this section accordingly.

Application  
of provisions  
of 1932, c. 27,  
and rules of  
practice.

- (8) Subject as hereinbefore provided *The Ontario Municipal Board Act, 1932*, shall apply to any proceedings before the said Board under this section, and the rules of and practice in the Supreme Court shall apply to any appeal to the Appellate Division under this section.

Commence-  
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.









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BILL

An Act to amend The Municipal  
Franchises Act.

---

*1st Reading*

March 17th, 1933

*2nd Reading*

*3rd Reading*

---

MR. MCCREA

---

No. 107

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

---

# BILL

An Act to amend The Municipal Franchises Act.

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MR. MCCREA

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TORONTO  
PRINTED BY HERBERT H. BALL  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

An Act to amend The Municipal Franchises Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Municipal Franchises Act, 1933*.

Rev. Stat.,  
c. 240,  
amended.      **2.** *The Municipal Franchises Act* is amended by adding thereto the following section:

When  
approval of  
Lieutenant-  
Governor in  
Council  
necessary for  
construction  
of works and  
supplying  
of gas.

**8.—(1)** Notwithstanding anything in this or any other general or special Act contained, no person shall without the approval of the Lieutenant-Governor in Council construct any works to supply or supply

(a) natural gas in any municipality in which such person was not on the 1st day of April, 1933, supplying gas; or

(b) gas in any municipality in which such person was not on the 1st day of April, 1933, supplying gas and in which gas was then being supplied.

"Gas,"—  
meaning of.

**(2)** For the purposes of this section "gas" shall mean and include, artificial gas, natural gas and any gas which is a mixture of artificial and natural gas.

When  
approval  
to be  
withheld.

**(3)** No approval shall be given under this section by the Lieutenant-Governor in Council unless and until the Ontario Municipal Board certifies in writing to the Lieutenant-Governor that public convenience and necessity appear to require that such approval be given.

Jurisdiction  
of Ontario  
Municipal  
Board.

**(4)** The Ontario Municipal Board shall have and may exercise jurisdiction and power necessary for the

purposes of this section and to grant or refuse to grant any certificate of public convenience and necessity, but no such certificate shall be granted or refused until after the Board has held a public hearing to deal with the matter upon application made to it therefor, and of which hearing such notice shall be given to such persons and municipalities as the Board may deem to be interested or affected and otherwise as the Board may direct.

- (5) With leave of a judge thereof, an appeal shall be upon any question of law or fact to the Court of Appeal for Ontario from any decision of the said Board granting or refusing to grant a certificate under this section; provided application for leave to appeal is made within fifteen days from the time when such decision is given. Appeal from decision of Board.
- (6) The said Board shall not issue any certificate under this section until after the expiration of fifteen days from the time of its decision to grant the same is given or in the event of an appeal from such decision until after the time when such appeal is determined or leave to appeal is refused. Certificate of Board, — time for issuing.
- (7) Upon an appeal to the Court of Appeal for Ontario its judgment thereon shall be final and not subject to further appeal therefrom, and the Ontario Municipal Board shall, if and as may be necessary, amend or vary its decision to conform to such judgment and grant or refuse to grant a certificate under this section accordingly. Judgment of Appellate Division to be final.
- (8) Subject as hereinbefore provided *The Ontario Municipal Board Act, 1932*, shall apply to any proceedings before the said Board under this section and the rules of and practice in the Supreme Court shall apply to any appeal to the Court of Appeal for Ontario under this section. Application of provisions of 1932, c. 27, and rules of practice.

3. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

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BILL

An Act to amend The Municipal  
Franchises Act.

---

*1st Reading*

March 17th, 1933

*2nd Reading*

March 22nd, 1933

*3rd Reading*

March 29th, 1933

---

MR. MCCREA

---

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Medical Act.

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MR. NESBITT

---

No. 108

1933

# BILL

## An Act to amend The Medical Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Medical Act, 1933*.

Rev. Stat.  
c. 196, s. 3,  
subs. 1,  
amended.

2.—(1) Subsection 1 of section 3 of *The Medical Act* as amended by subsections 1 and 2 of section 2 of *The Medical Act, 1932*, is further amended by adding thereto the following clause:

Representa-  
tives of  
osteopathy.

(bb) Five members to be duly elected by the licensed practitioners in osteopathy who have been registered under this Act.

Rev. Stat.  
c. 196, s. 3,  
subs. 3,  
amended.

(2) Subsection 3 of section 3 of *The Medical Act* as amended by subsection 3 of section 2 of *The Medical Act, 1932*, is further amended by adding at the end thereof the words "except the five members to be elected by the licensed practitioners in homeopathy who shall be legally qualified osteopathic practitioners," so that the said subsection shall now read as follows:

Qualification  
of members  
of Council.

(3) Every member of the Council appointed under subsection 1 shall be a legally qualified medical practitioner resident within the Province of Ontario, except the five members to be elected by the licensed practitioners in homeopathy who shall be legally qualified osteopathic practitioners.

Rev. Stat.  
c. 196, s. 4,  
amended.

3. Section 4 of *The Medical Act* as amended by section 3 of *The Medical Act, 1932*, is further amended by adding thereto the following subsection:

Vacancies  
in respect of  
osteopathic  
members of  
Council.

(2a) In the event of the death or resignation of any member of the Council representing the practitioners of osteopathy, the remaining representatives of the osteopathic system in the Council may fill such vacancy by selecting from amongst the duly registered



#### EXPLANATORY NOTES

The proposed Bill is to bring legally qualified practitioners in Osteopathy under The Medical Act.

SECTION 2 provides for five members to be elected by the licensed practitioners in Osteopathy to the Council of the College of Physicians and Surgeons.

SECTION 3. This new subsection provides for filling the vacancies caused by the death or resignation of any member of the Council representing the practitioners of Osteopathy.

practitioners in osteopathy a person to fill the vacancy.

Rev. Stat.  
c. 196,  
amended.

4. *The Medical Act* is amended by adding thereto the following section:

Qualifica-  
tions of  
osteopathic  
candidates.

14a. Until an osteopathic college for teaching purposes is established in Ontario, candidates wishing to be registered as osteopaths shall present evidence of having complied with the full curriculum of studies prescribed from time to time by the Council for all medical students except *materia medica*, therapeutics, the theory or practice of physics, major surgery, and obstetrics or midwifery, the full time of attendance upon lectures required by the curriculum of the Council may be spent in such osteopathic colleges in the United States of America or in Europe as may be recognized by a majority of the osteopathic members of the Council; but in all homeopathic colleges, where the winter course of lectures is only four months duration, certified tickets of attendance on one such course shall be held to be equivalent to two-thirds of one six months' course, as required by the Council; and when such teaching body has been established in Ontario, it shall be optional for such candidates to pursue in part or in full the required curriculum in Ontario.

Rev. Stat.  
c. 196, s. 18,  
amended.

5. Section 18 of *The Medical Act* is amended by adding thereto the following subsection:

Only regi-  
stered prac-  
titioners in  
osteopathy  
to practise.

(2a) Those persons only whose names are inscribed in the book or register mentioned in subsection 1 as practitioners in osteopathy shall be deemed to be qualified and licensed to practise osteopathy, including minor surgery in Ontario.

Rev. Stat.  
c. 196,  
amended.

6. *The Medical Act* is amended by adding thereto the following section:

Standard for  
osteopaths.

26a. A candidate who at the time of his examination signifies his wish to be registered as an osteopathic practitioner shall not be required to pass an examination in either *materia medica* or therapeutics or in the theory or practice of physics or in surgery or midwifery, except the operative practical parts thereof before any examiners other than those approved of by the representatives in the Council of the osteopathic system.

SECTION 4 is new and sets out the qualifications required before a candidate is a registered osteopath. At the present time there is no college for teaching purposes in Ontario, and the Council may recognize such colleges in the United States of America or in Europe as they may see fit.

SECTION 5 provides that only those practitioners in Osteopathy whose names are inscribed or registered are to be recognized as qualified and licensed to practise osteopathy.

SECTION 6 exempts a candidate wishing to be registered as an Osteopathic practitioner from passing examinations in the subjects set out.

Rev. Stat.  
c. 196, s. 38,  
amended.      **7.** Section 38 of *The Medical Act* is amended by inserting after the word "surgery" in the third line the word "osteopathy."

Rev. Stat.  
c. 196, s. 49,  
subs. 1,  
amended.      **8.** Subsection 1 of section 49 of *The Medical Act* as amended by subsection 1 of section 20 of *The Medical Act, 1932*, is further amended by striking out the words, "or who assumes, uses or employs the title "Doctor," "Surgeon," or "Physician" or any affix or prefix indicative of such titles as an occupational designation relating to the treatment of human ailments or physical defects," in the sixth, seventh, eighth and ninth lines.

Commence-  
ment of Act.      **9.** This Act shall come into force on the day upon which it receives the Royal Assent.

SECTION 7. The word "osteopathy" is added to the section which authorizes every person registered under the provisions of this Act to practise medicine, surgery, etc., and to demand and recover in Court reasonable charges for advice, etc.

SECTION 8. The amendment to this subsection is to widen the use of the titles "Doctor," "Surgeon," "Physician" to include Osteopaths.

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BILL

An Act to amend The Medical Act.

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*1st Reading*

March 20th, 1933

*2nd Reading*

*3rd Reading*

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MR. NESBITT

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Public Health Act.

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MR. ROBB

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No. 109

1933

# BILL

## An Act to amend The Public Health Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Public Health Act, 1933*.

Rev. Stat.  
c. 262, s. 6,  
amended.      **2.** Section 6 of *The Public Health Act*, as amended by section 3 of *The Public Health Act, 1932*, is further amended by adding thereto the following clauses:

Duties of  
officers.      (u) prescribing the duties and powers of officers designated under section 11a;

Medical and  
dental  
inspection in  
schools.      (v) the medical and dental inspection of pupils in public, separate, continuation, high and vocational schools, and for the apportionment and payment of all moneys as may be appropriated or voted by this Legislature for that purpose.

Rev. Stat.,  
c. 262,  
amended      **3.** *The Public Health Act* is amended by adding thereto the following section:

Designation  
of officers to  
supervise,  
etc., medical  
and dental  
work in  
schools.      11a. The Minister may designate which officers of the Department shall inspect and supervise the work of school medical officers, dental officers and nurses appointed by boards of education, school boards or local boards of health for the purpose of medical and dental inspection in public, separate, continuation, high and vocational schools throughout Ontario, and such officers shall perform all duties required of them by the Department and by the provisions of this Act, *The Public Schools Act*, *The Separate Schools Act*, *The Department of Education Act*, or any other Act or any regulations made thereunder with respect to such medical and dental inspection.

Rev. Stat.,  
cc. 323, 328,  
322.

Rev. Stat.,  
c. 262, s. 31,  
repealed.      **4.** Section 31 of *The Public Health Act* as amended by subsection 1 of section 4 of *The Public Health Act, 1931*, is repealed.



#### EXPLANATORY NOTES

Section 2 gives the Minister of Health with the approval of the Lieutenant-Governor in Council power to make regulations prescribing the duties and powers of certain officers of the Department designated to carry out supervision and inspection of medical and dental work done in schools; and also for the apportionment and payment of all moneys appropriated or voted by the Legislature for the medical and dental inspection of pupils in schools.

Section 3 gives the Minister of Health power to designate which officers of the Department shall perform the duties of inspecting and supervising medical and dental work done in schools. The section has the effect of transferring the authority for such inspection and supervision from the Department of Education to the Department of Health which latter Department has heretofore performed these duties with the authority of the Department of Education.

Section 4 repeals the present section 31 which is re-enacted in section 5 of this Bill.

Rev. Stat.,  
c. 262, s. 86,  
re-enacted.

5. Section 86 of *The Public Health Act* as amended by subsection 2 of section 4 of *The Public Health Act, 1931*, is repealed and the following substituted therefor:

Dental and  
medical  
inspection.

86.—(1) In any municipality the local board may provide such dental and medical inspection of the pupils of all public, separate, continuation, high and vocational schools as the regulations under this Act or *The Department of Education Act* may prescribe, and, in the absence of such regulations, as the local board may deem proper, and may execute, do and provide all such acts, matters and things as may be found necessary from such inspection.

Rev. Stat.,  
c. 322.

Boards to  
provide  
medical and  
dental  
inspection.

(2) Subject to any regulations made under this Act or *The Department of Education Act*, the local board, upon such terms and conditions as may be agreed upon with any school board, shall provide medical and dental inspection for the pupils in the schools of the board and render such other services relating to the health and well being of the pupils as any such regulation may require and as may be directed by the Minister of Health.

Rev. Stat.,  
c. 322.

Inspection  
costs,—  
payment of.

(3) The council of every local municipality shall, in the manner provided in *The Municipal Act*, *The Assessment Act*, this Act or any other Act of this Legislature, levy and collect upon the taxable property of the supporters of any school receiving inspection under this or any other Act of this Legislature, such amount as may be required by any school board for the costs of such inspection, and shall pay the same to the treasurer of the board from time to time as may be required on the warrant of such board.

Rev. Stat.,  
cc. 233, 238.

"School  
board,"—  
meaning of.

(4) In this section "school board" shall mean and include a board of public or separate school trustees, a board of high school trustees, a board of education and a board of any industrial, commercial or vocational school which is subject to regulations made under *The Department of Education Act*.

Commence-  
ment of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Section 5 re-enacts the present section 86:

86.—(1) is a re-enactment of the present section 31, the only addition being that the regulations under *The Public Health Act* are made applicable.

(2) is a re-enactment of the present section 86, the only addition being that the section is made subject to the regulations under *The Public Health Act*.

(3) provides how and by whom the cost for such service shall be borne.

(4) is the same as clause (a) of present section 86.





BILL

An Act to amend The Public Health Act.

*1st Reading*

March 20th, 1933

*2nd Reading*

*3rd Reading*

MR. ROBB

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Public Health Act.

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MR. ROBB

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No. 109

1933

# BILL

## An Act to amend The Public Health Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Public Health Act, 1933*.

Rev. Stat.  
c. 262, s. 6,  
amended.

2. Section 6 of *The Public Health Act*, as amended by section 3 of *The Public Health Act, 1932*, is further amended by adding thereto the following clauses:

Duties of  
officers.

- (u) prescribing the duties and powers of officers designated under section 11a;

Medical and  
dental  
inspection in  
schools.

- (v) the medical and dental inspection of pupils in public, separate, continuation, high and vocational schools, where such inspection is undertaken by local boards under this Act, and for the apportionment and payment of all moneys as may be appropriated or voted by this Legislature for that purpose.

Rev. Stat.,  
c. 262,  
amended

3. *The Public Health Act* is amended by adding thereto the following section:

Designation  
of officers to  
supervise,  
etc., medical  
and dental  
work in  
schools.

- 11a. The Minister may designate which officers of the Department shall inspect and supervise the work of school medical officers, dental officers and nurses appointed by boards of education, school boards or local boards of health for the purpose of medical and dental inspection in public, separate, continuation, high and vocational schools throughout Ontario, and such officers shall perform all duties required of them by the Department and by the provisions of this Act, *The Public Schools Act*, *The Separate Schools Act*, *The Department of Education Act*, or any other Act or any regulations made thereunder with respect to such medical and dental inspection.

Rev. Stat.,  
cc. 323, 328,  
322.

4. Section 20 of *The Public Health Act* is amended by adding thereto the following subsections:

Rev. Stat.,  
c. 262, s. 20,  
amended.



- (2) The provisions of subsection 1 shall apply to payment of any expenditure incurred by a local board in providing medical and dental inspection of pupils in any school pursuant to section 86. Expenditures for school medical and dental inspection.

- (3) The amounts of any payments made by the treasurer for the purposes mentioned in subsection 2 shall be levied and collected by a special rate on the rateable property of the supporters of the school or schools for the pupils of which medical and dental inspection is provided by the local board. Rates for school purposes.

5. Section 31 of *The Public Health Act* as amended by subsection 1 of section 4 of *The Public Health Act, 1931*, is repealed. Rev. Stat., c. 262, s. 31, repealed.

6. Section 86 of *The Public Health Act* as amended by subsection 2 of section 4 of *The Public Health Act, 1931*, is repealed and the following substituted therefor: Rev. Stat., c. 262, s. 86, re-enacted.

86.—(1) For the purposes of this section,—

- (a) "School board" shall mean and include any board having under the authority of statute, charge over a public, separate, continuation, high or vocational school. "School board,"—meaning of.

- (2) Any school board may enter into an agreement with the local board of any municipality to provide for the medical and dental inspection by the local board of the pupils of the school or schools under the charge of such school board situate in the municipality for which such local board is established. Agreement for medical and dental inspection of school pupils.

- (3) Where an agreement is entered into by a local board under the provisions of subsection 1, it shall have full power and authority to and until otherwise determined by the school board, shall provide medical and dental inspection of the pupils of the schools mentioned in the agreement in accordance with this or any other Act relating thereto and any regulations made under this or any such other Act, and shall do and perform all acts, matters and things necessary for the purpose. Power of local board.

- (4) It shall not be necessary for the purposes of subsection 1 that any agreement entered into pursuant thereto shall provide for medical and dental inspection of the pupils of all schools in the charge of a school board or for all the schools in a municipality, but the same may relate to the pupils only of any one or more of such schools. Agreement need not apply to all schools.

When  
local board  
must provide  
inspection.

- (5) Where any school board is desirous of entering into an agreement with a local board pursuant to subsection 1 and the local board refuses to enter into the same, the Minister, upon the application of such school board and after hearing the representations of the local board and if satisfied that the standards established under the authority of this Act for medical and dental inspection of pupils can be provided for, may direct that the local board shall enter into the necessary agreement and provide for such inspection

Commence-  
ment of Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.







BILL.

An Act to amend The Public Health Act.

---

*1st Reading*

March 20th, 1933

*2nd Reading*

March 23rd, 1933

*3rd Reading*

April 13th, 1933

---

MR. ROBB

---

No. 110

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

---

# BILL

An Act respecting Relief Land Settlement.

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MR. FINLAYSON

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TORONTO  
PRINTED BY HERBERT H. BALL  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act respecting Relief Land Settlement.

Preamble.

**W**HEREAS under and by virtue of an agreement entered into the 24th day of June, 1932, between The Honourable Wesley A. Gordon, Minister of Labour, acting on behalf of the Government of Canada, and The Honourable William Finlayson, Minister of Lands and Forests, acting on behalf of the Province of Ontario, certain measures were adopted for the relief of certain families in the Province by placing them on suitable farms at an expense borne by the Governments of Canada and Ontario, and the participating municipalities; and whereas it is desirable to confirm the said agreement and otherwise to enact in respect of the said measures;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Relief Land Settlement Act, 1933.*

Agreement  
with  
Dominion  
Government  
confirmed.

**2.** The agreement, a copy of which is set out in schedule "A" hereto, dated the 24th day of June, 1932, made between The Honourable Wesley A. Gordon, Minister of Labour for Canada, acting on behalf of the Government of Canada, and The Honourable William Finlayson, Minister of Lands and Forests for Ontario, acting on behalf of the Government of the Province of Ontario, is declared to be valid and binding, and the Government of Ontario is and shall since the 24th day of June, 1932, be deemed to have been authorized to do all things, make all appropriations and enter into all agreements authorized and required to carry out the said agreement.

Order-in-  
Council  
authorizing  
agreement  
confirmed.

**3.** The Order-in-Council approved by The Honourable the Administrator, dated the 24th day of June, 1932, a copy of which is set out in schedule "B" hereto, is confirmed and shall be valid and binding.

Agreements  
with muni-  
cipalities  
confirmed.

**4.** Every agreement heretofore or hereafter entered into between the Government of the Province of Ontario, repre-



#### EXPLANATORY NOTES

The object of this Bill is to confirm an agreement made between the Dominion and Provincial Governments to carry out the Land Settlement scheme embarked upon by arrangement among the Dominion and Provincial Governments and participating municipalities whereby families have been and are being settled upon farms, and thereby avoiding the necessity for maintaining such families by other means. The objects of the scheme are fully set forth in the agreement printed as a schedule to the Bill.

Supplementary clauses of the Bill are to confirm the authorizing Order-in-Council and municipal agreements and to appropriate the Province's share of the necessary expenditures, etc.

sent by the Minister of Lands and Forests, and any municipality for carrying out the terms of the said agreement dated the 24th day of June, 1932, shall be valid and binding upon such municipality and the ratepayers thereof to all intents and purposes.

Appropriations from Consolidated Revenues.

**5.**—(1) For the purpose of carrying out the provisions set out in the said agreement dated the 24th June, 1932, there shall be set aside out of the Consolidated Revenue Fund and applied, such sums from time to time as the Lieutenant-Governor in Council may direct.

Retrospective application.

(2) The provisions of subsection 1 shall be construed as if the same had been in force and taken effect on and from the 24th day of June, 1932.

Orders and regulations.

**6.** The Lieutenant-Governor in Council shall have full power to make all such orders and regulations as may be deemed necessary to carry out the purposes and intent of this Act.

Commencement of Act.

**7.** This Act shall come into force on the day upon which it receives the Royal Assent.



## SCHEDULE "A"

Indenture of Agreement entered into this 24th day of June, A.D. 1932.

BETWEEN:

THE GOVERNMENT OF THE DOMINION OF CANADA  
(hereinafter called the "Dominion"), represented herein  
by the Honourable Wesley A. Gordon, Minister of  
Labour,

of the first part,

—and—

THE GOVERNMENT OF THE PROVINCE OF ONTARIO  
(hereinafter called the "Province"), represented herein  
by the Honourable William Finlayson, Minister of  
Lands and Forests,

of the second part.

Whereas *The Relief Act, 1932*, provides, *inter alia*, that the Governor in Council may pay out of the Consolidated Revenue Fund such money as may be necessary to carry out the purposes of the said Act;

And whereas the Province desires to enter into an agreement under the provisions of the said Act;

And whereas it is proposed that the Dominion Government, the Provincial Government, and the Municipality concerned, shall participate in the expenditure of relief moneys which would otherwise be expended in the form of direct relief for the purpose of assisting selected families to settle upon the land and thus contribute to their own maintenance and eventually become self-supporting.

Now therefore it is mutually agreed by and between the parties hereto as follows:

1. The Dominion Government shall contribute one-third of an amount not to exceed \$600.00 per family for the purpose of providing a measure of self-sustaining relief to families who would otherwise be in receipt of direct relief, by placing such families on the land, the remaining two-thirds of the expenditure to be contributed by the Province and the Municipality concerned as may be decided between the Province and the Municipality. The Dominion contribution to be a non-recoverable expenditure.

Provided that in cases where the proposed settler is taken from a district or locality without municipal organization, the Province may pay in addition to the non-recoverable maximum contribution of \$200.00 from the Dominion, such sum as in the opinion of the Province may be necessary, but in no case shall the contribution made by the Province be less than the non-recoverable contribution of the Dominion.

2. The Dominion contribution shall be payable to the Province progressively as expenditures are made by the Province and Municipality. The total expenditure on behalf of any one family during the first year shall not exceed \$500.00 for all purposes inclusive of subsistence and establishment, a minimum amount of \$100.00 to be withheld to provide subsistence if necessary during the second year.

3. No part of the total expenditure referred to in the preceding sections of this Agreement shall be for the purpose of acquiring or renting land.

4. All families who may be assisted under the terms of this Agreement shall be residents of Canada and shall be selected from those who would otherwise be in receipt of direct relief. The selection of families shall be made without discrimination by reason of political affiliation, race, or religious views.

5. The Province shall be responsible for administration of relief settlement including the location and inspection of suitable farms, the selection of suitable families who shall be physically fit and qualified in other respects. The Province shall be responsible for the disbursement of funds to the



families assisted, and the expenses of such administration shall be paid by the Province, and no part of the cost of administration and supervision shall be deducted from the maximum amount of \$600.00 set aside for subsistence and settlement of each family.

6. The Province shall set up an Advisory Committee upon which shall be included representatives of the Dominion Land Settlement Branch, the Colonization Branch of the Canadian Pacific Railway Company, and the Colonization Branch of the Canadian National Railways.

7. The Province agrees to furnish to the Dominion from time to time a schedule, or schedules, approved by the Advisory Committee, setting forth a list of the families to be assisted with particulars as to the location in which they are to be settled.

8. Statements of accounts for expenditures made by the Province in respect to families assisted, pursuant to the provisions of this Agreement, shall be submitted by the Province to the Commissioner of Unemployment Relief, accompanied by certificate of the appropriate Provincial authorities that expenditures have been duly made in accordance with such statement, and such statements and certificates shall be in the form prescribed by the Commissioner of Unemployment Relief.

9. The Commissioner of Unemployment Relief may at any time call upon the Province to furnish such information as he may require in relation to statement of accounts rendered by the Province.

10. The amount to be paid out of the moneys to be appropriated under *The Relief Act, 1932*, by the Dominion, in respect of the provisions of this Agreement shall not exceed \$214,285.00.

11. This Agreement shall become effective after being approved by the Governor in Council and shall continue in force until March 31st, Nineteen Hundred and Thirty-four.

In witness whereof the Honourable Wesley A. Gordon, Minister of Labour, has hereunto set his hand on behalf of the Dominion of Canada, and the Honourable William Finlayson, Minister of Lands and Forests, has hereunto set his hand on behalf of the Province of Ontario.

SIGNED on behalf of the Government of Canada by  
Honourable Wesley A. Gordon, Minister of  
Labour, in the presence of  
"W. M. DICKSON."

"W. A. GORDON."

SIGNED on behalf of the Province of Ontario by the  
Honourable William Finlayson, Minister of  
Lands and Forests, in the presence of  
"J. B. THOMPSON."

"WM. FINLAYSON."

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## SCHEDULE "B"

Order-in-Council approved by The Honourable the Administrator of the Government of the Province of Ontario, dated the 24th day of June, A.D. 1932.

The Committee of Council have had under consideration the report of the Honourable the Minister of Lands and Forests, wherein he states:

That in connection with unemployment relief an Act known as *The Relief Act, 1932*, was passed at the last Session of the House of Commons



providing that certain moneys might be paid out of Consolidated Revenue Fund in connection with the purposes of the Act.

That one of the forms of direct relief be in the nature of assistance to selected families to settle upon the land and that the contribution in respect thereof be borne in equal proportions by the Dominion Government, the Provincial Government and the Municipality concerned.

That negotiations have been under way with the Dominion Government in respect of the matter, and as a result of such negotiations arrangements have been concluded whereby an agreement be executed between the Dominion of Canada and the Province of Ontario to carry into effect the intention and the purposes of the said Relief Act.

The Minister recommends that he be authorized to execute on behalf of the Government of the Province of Ontario an agreement in relation to this form of direct relief, generally known as the "Back to the Land Movement," a copy of said Agreement being attached hereto, it having already been executed on behalf of the Government of Canada by Honourable Wesley A. Gordon, Minister of Labour.

The Committee of Council concur in the recommendation of the Honourable the Minister of Lands and Forests, and advise that the same be acted on.

Certified,

"C. H. BULMER,"  
Clerk, Executive Council.





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BILL

An Act respecting Relief Land Settlement.

---

*1st Reading*

March 20th, 1933

*2nd Reading*

*3rd Reading*

---

MR. FINLAYSON

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No. 110

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act respecting Relief Land Settlement.

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MR. FINLAYSON

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TORONTO  
PRINTED BY HERBERT H. BALL  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 110

1933

# BILL

## An Act respecting Relief Land Settlement.

Preamble.

**W**HEREAS under and by virtue of an agreement entered into the 24th day of June, 1932, between The Honourable Wesley A. Gordon, Minister of Labour, acting on behalf of the Government of Canada, and The Honourable William Finlayson, Minister of Lands and Forests, acting on behalf of the Province of Ontario, certain measures were adopted for the relief of certain families in the Province by placing them on suitable farms at an expense borne by the Governments of Canada and Ontario, and the participating municipalities; and whereas it is desirable to confirm the said agreement and otherwise to enact in respect of the said measures;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Relief Land Settlement Act, 1933*.

Agreement  
with  
Dominion  
Government  
confirmed.

**2.** The agreement, a copy of which is set out in schedule "A" hereto, dated the 24th day of June, 1932, made between The Honourable Wesley A. Gordon, Minister of Labour for Canada, acting on behalf of the Government of Canada, and The Honourable William Finlayson, Minister of Lands and Forests for Ontario, acting on behalf of the Government of the Province of Ontario, is declared to be valid and binding, and the Government of Ontario is and shall since the 24th day of June, 1932, be deemed to have been authorized to do all things, make all appropriations and enter into all agreements authorized and required to carry out the said agreement.

Order-in-  
Council  
authorizing  
agreement  
confirmed.

**3.** The Order-in-Council approved by The Honourable the Administrator, dated the 24th day of June, 1932, a copy of which is set out in schedule "B" hereto, is confirmed and shall be valid and binding.

Agreements  
with muni-  
cipalities  
confirmed.

**4.** Every agreement heretofore or hereafter entered into between the Government of the Province of Ontario, repre-

sented by the Minister of Lands and Forests, and any municipality for carrying out the terms of the said agreement dated the 24th day of June, 1932, shall be valid and binding upon such municipality and the ratepayers thereof to all intents and purposes.

**5.**—(1) For the purpose of carrying out the provisions set out in the said agreement dated the 24th June, 1932, there shall be set aside out of the Consolidated Revenue Fund and applied, such sums from time to time as the Lieutenant-Governor in Council may direct. Appropriations from Consolidated Revenues.

(2) The provisions of subsection 1 shall be construed as if the same had been in force and taken effect on and from the 24th day of June, 1932. Retrospective application.

**6.** The Lieutenant-Governor in Council shall have full power to make all such orders and regulations as may be deemed necessary to carry out the purposes and intent of this Act. Orders and regulations.

**7.** This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

## SCHEDULE "A"

Indenture of Agreement entered into this 24th day of June, A.D. 1932.

BETWEEN:

THE GOVERNMENT OF THE DOMINION OF CANADA  
(hereinafter called the "Dominion"), represented herein  
by the Honourable Wesley A. Gordon, Minister of  
Labour,

of the first part,

—and—

THE GOVERNMENT OF THE PROVINCE OF ONTARIO  
(hereinafter called the "Province"), represented herein  
by the Honourable William Finlayson, Minister of  
Lands and Forests,

of the second part

Whereas *The Relief Act, 1932*, provides, *inter alia*, that the Governor in Council may pay out of the Consolidated Revenue Fund such money as may be necessary to carry out the purposes of the said Act;

And whereas the Province desires to enter into an agreement under the provisions of the said Act;

And whereas it is proposed that the Dominion Government, the Provincial Government, and the Municipality concerned, shall participate in the expenditure of relief moneys which would otherwise be expended in the form of direct relief for the purpose of assisting selected families to settle upon the land and thus contribute to their own maintenance and eventually become self-supporting.

Now therefore it is mutually agreed by and between the parties hereto as follows:

1. The Dominion Government shall contribute one-third of an amount not to exceed \$600.00 per family for the purpose of providing a measure of self-sustaining relief to families who would otherwise be in receipt of direct relief, by placing such families on the land, the remaining two-thirds of the expenditure to be contributed by the Province and the Municipality concerned as may be decided between the Province and the Municipality. The Dominion contribution to be a non-recoverable expenditure.

Provided that in cases where the proposed settler is taken from a district or locality without municipal organization, the Province may pay in addition to the non-recoverable maximum contribution of \$200.00 from the Dominion, such sum as in the opinion of the Province may be necessary, but in no case shall the contribution made by the Province be less than the non-recoverable contribution of the Dominion.

2. The Dominion contribution shall be payable to the Province progressively as expenditures are made by the Province and Municipality. The total expenditure on behalf of any one family during the first year shall not exceed \$500.00 for all purposes inclusive of subsistence and establishment, a minimum amount of \$100.00 to be withheld to provide subsistence if necessary during the second year.

3. No part of the total expenditure referred to in the preceding sections of this Agreement shall be for the purpose of acquiring or renting land.

4. All families who may be assisted under the terms of this Agreement shall be residents of Canada and shall be selected from those who would otherwise be in receipt of direct relief. The selection of families shall be made without discrimination by reason of political affiliation, race, or religious views.

5. The Province shall be responsible for administration of relief settlement including the location and inspection of suitable farms, the selection of suitable families who shall be physically fit and qualified in other respects. The Province shall be responsible for the disbursement of funds to the

families assisted, and the expenses of such administration shall be paid by the Province, and no part of the cost of administration and supervision shall be deducted from the maximum amount of \$600.00 set aside for subsistence and settlement of each family.

6. The Province shall set up an Advisory Committee upon which shall be included representatives of the Dominion Land Settlement Branch, the Colonization Branch of the Canadian Pacific Railway Company, and the Colonization Branch of the Canadian National Railways.

7. The Province agrees to furnish to the Dominion from time to time a schedule, or schedules, approved by the Advisory Committee, setting forth a list of the families to be assisted with particulars as to the location in which they are to be settled.

8. Statements of accounts for expenditures made by the Province in respect to families assisted, pursuant to the provisions of this Agreement, shall be submitted by the Province to the Commissioner of Unemployment Relief, accompanied by certificate of the appropriate Provincial authorities that expenditures have been duly made in accordance with such statement, and such statements and certificates shall be in the form prescribed by the Commissioner of Unemployment Relief.

9. The Commissioner of Unemployment Relief may at any time call upon the Province to furnish such information as he may require in relation to statement of accounts rendered by the Province.

10. The amount to be paid out of the moneys to be appropriated under *The Relief Act, 1932*, by the Dominion, in respect of the provisions of this Agreement shall not exceed \$214,285.00.

11. This Agreement shall become effective after being approved by the Governor in Council and shall continue in force until March 31st, Nineteen Hundred and Thirty-four.

In witness whereof the Honourable Wesley A. Gordon, Minister of Labour, has hereunto set his hand on behalf of the Dominion of Canada, and the Honourable William Finlayson, Minister of Lands and Forests, has hereunto set his hand on behalf of the Province of Ontario.

SIGNED on behalf of the Government of Canada by  
Honourable Wesley A. Gordon, Minister of  
Labour, in the presence of  
"W. M. DICKSON."

"W. A. GORDON."

SIGNED on behalf of the Province of Ontario by the  
Honourable William Finlayson, Minister of  
Lands and Forests, in the presence of  
"J. B. THOMPSON."

"WM. FINLAYSON."

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## SCHEDULE "B"

Order-in-Council approved by The Honourable the Administrator of the Government of the Province of Ontario, dated the 24th day of June, A.D. 1932.

The Committee of Council have had under consideration the report of the Honourable the Minister of Lands and Forests, wherein he states:

That in connection with unemployment relief an Act known as *The Relief Act, 1932*, was passed at the last Session of the House of Commons



providing that certain moneys might be paid out of Consolidated Revenue Fund in connection with the purposes of the Act.

That one of the forms of direct relief be in the nature of assistance to selected families to settle upon the land and that the contribution in respect thereof be borne in equal proportions by the Dominion Government, the Provincial Government and the Municipality concerned.

That negotiations have been under way with the Dominion Government in respect of the matter, and as a result of such negotiations arrangements have been concluded whereby an agreement be executed between the Dominion of Canada and the Province of Ontario to carry into effect the intention and the purposes of the said Relief Act.

The Minister recommends that he be authorized to execute on behalf of the Government of the Province of Ontario an agreement in relation to this form of direct relief, generally known as the "Back to the Land Movement," a copy of said Agreement being attached hereto, it having already been executed on behalf of the Government of Canada by Honourable Wesley A. Gordon, Minister of Labour.

The Committee of Council concur in the recommendation of the Honourable the Minister of Lands and Forests, and advise that the same be acted on.

Certified,

"C. H. BULMER,"  
Clerk, Executive Council.





## BILL

An Act respecting Relief Land Settlement.

---

### *1st Reading*

March 20th, 1933

### *2nd Reading*

March 23rd, 1933

### *3rd Reading*

March 29th, 1933

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MR. FINLAYSON

---

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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## BILL

An Act to extend the Time for Commencement of Actions for  
Simple Contract Debts.

---

MR. ROBERTSON

---

No. 111

1933

# BILL

An Act to extend the Time for Commencement of  
Actions for Simple Contract Debts.

**H**IS MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:

Short title.

**1.** This Act may be cited as *The Simple Contract Debts Act, 1933*.

Rev. Stat.,  
c. 106.

**2.** Where with respect to any cause of action existing at the time this Act comes into force for simple contract or debt grounded upon any lending or contract without specialty, the time for commencing the action will under the provisions of subsection 1 of section 48 of *The Limitations Act* expire before the 1st day of June, 1934, such time is hereby extended so that the action may be commenced not later than the said 1st day of June, 1934.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

There are many instances where a creditor is at the present time prepared to exercise leniency towards his debtor, but is prevented from so doing by the fact that his claim may be barred if he does not commence action at some time during the next year or so. The object of this Bill is to extend the time for commencement of such actions until a short time after the Session of the Legislature to be held in 1934, at which Session the matter can again be reviewed.

## BILL

An Act to extend the Time for Commence-  
ment of Actions for Simple  
Contract Debts.

---

*1st Reading*

March 20th, 1933

*2nd Reading*

*3rd Reading*

---

MR. ROBERTSON

---

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Succession Duty Act.

---

MR. HENRY (York East)

---

No. 112

1933

# BILL

## An Act to amend The Succession Duty Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Succession Duty Act, 1933*.

Rev. Stat.,  
c. 26, s. 4,  
amended.

2. Section 4 of *The Succession Duty Act* is amended by adding thereto the following clause:

- (e) For any debt or encumbrance, or portion thereof, which, by due process of law, is not realizable out of the property liable thereto.

Rev. Stat.,  
c. 26, s. 5,  
repealed.

3. Section 5 of *The Succession Duty Act* is repealed.

Rev. Stat.,  
c. 26, s. 6,  
cl. e,  
(1931, c. 7,  
s. 5),  
amended.

4. Clause *e* of section 6 of *The Succession Duty Act* as enacted by section 5 of *The Succession Duty Amendment Act, 1931*, is amended by adding at the end thereof the following words:

“provided that where the organization carries on its work both in and out of Ontario, the exemption from duty shall be allowed only upon such portion of the gift, devise or bequest as is in the same ratio to the whole that the ratio of expenditures of the organization for carrying on its work in Ontario bears to its total expenditures.”

so that the said clause shall now read as follows:

- (e) On property given, devised or bequeathed to a religious, charitable or educational organization for religious, charitable or educational purposes to be carried out in Ontario; provided that where the organization carries on its work both in and out of Ontario the exemption from duty shall be allowed only upon such portion of the gift, devise or bequest



#### EXPLANATORY NOTES

Section 2. The purpose of this amendment is to make it plain that debts of the Estate are not to be deducted from insurance money payable to a named beneficiary.

Section 3. To ascertain the amount of deduction to be made in respect of duty paid elsewhere it is necessary to wait until the duty has been settled in all other provinces and countries before a statement of Ontario duties can be prepared, thereby causing delay in settlement of Ontario duties.

as is in the same ratio to the whole that the ratio of expenditures of the organization for carrying on its work in Ontario bear to its total expenditures.

Rev. Stat.,  
c. 26, s. 9, re-  
enacted.

5. Section 9 of *The Succession Duty Act*, as amended by section 7 of *The Succession Duty Amendment Act, 1931*, is repealed and the following substituted therefor:

Amount of  
duty.

9.—(1) Subject to the exceptions mentioned in sections 6, 7 and 8 there shall be levied and paid for raising a revenue for provincial purposes in respect of any succession or on property passing on the death according to the dutiable value, the following duties over and above the fees paid under *The Surrogate Courts Act*,—

Rev. Stat.  
c. 94.

Where  
property  
passes to  
grand-  
parents, etc.,  
and exceeds  
\$25,000.

- (i) Where the aggregate value of the property exceeds \$25,000, and any property passes in manner hereinbefore mentioned, either in whole or in part to or for the benefit of the grandfather, grandmother, father, mother, husband, wife, child, son-in-law or daughter-in-law of the deceased, the same or so much thereof as so passes and the succession thereto shall be subject to a duty at the rate and on the sale as follows:

Where  
property  
passes to  
grand-  
parents, etc.

Where the aggregate value,—

- (a) Exceeds \$25,000 and does not exceed \$50,000—1 per centum plus  $\frac{6}{100}$  of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$25,000;
- (b) Exceeds \$50,000 and does not exceed \$75,000—2½ per centum plus  $\frac{4}{100}$  of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$50,000;
- (c) Exceeds \$75,000 and does not exceed \$100,000—3½ per centum plus  $\frac{6}{100}$  of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$75,000;
- (d) Exceeds \$100,000 and does not exceed \$150,000—5 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$100,000;
- (e) Exceeds \$150,000 and does not exceed \$200,000—5½ per centum plus  $\frac{1}{100}$  of 1

Section 5. This amendment, by adding to each rate a small fraction for each \$1,000 increase in aggregate value, fills in the large gaps which have been a fruitful cause of dispute.

per centum for each full \$1,000 by which the aggregate value exceeds \$150,000;

(f) Exceeds \$200,000 and does not exceed \$300,000—6 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$200,000;

(g) Exceeds \$300,000 and does not exceed \$400,000— $6\frac{1}{2}$  per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$300,000;

(h) Exceeds \$400,000 and does not exceed \$500,000—7 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$400,000;

(i) Exceeds \$500,000 and does not exceed \$600,000— $7\frac{1}{2}$  per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$500,000;

(j) Exceeds \$600,000 and does not exceed \$700,000—8 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$600,000;

(k) Exceeds \$700,000 and does not exceed \$800,000— $8\frac{1}{2}$  per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$700,000;

(l) Exceeds \$800,000 and does not exceed \$900,000—9 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$800,000;

(m) Exceeds \$900,000 and does not exceed \$1,000,000— $9\frac{1}{2}$  per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$900,000;

(n) Exceeds \$1,000,000—10 per centum.

(ii) Where the aggregate value of the property exceeds \$50,000 and the value of the property passing in manner hereinbefore mentioned to any one of the persons mentioned in the next preceding paragraph exceeds the amount hereinafter mentioned, a further duty shall

Additional  
duty where  
share  
exceeds  
\$50,000.



be paid on the amount so passing in addition to the rates in the next preceding paragraph mentioned as follows:

Where the whole amount so passing to one person,—

- (a) Exceeds \$50,000 and does not exceed \$75,000— $1\frac{1}{2}$  per centum plus  $\frac{2}{100}$  of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$50,000;
- (b) Exceeds \$75,000 and does not exceed \$100,000—2 per centum plus  $\frac{2}{100}$  of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$75,000;
- (c) Exceeds \$100,000 and does not exceed \$150,000— $2\frac{1}{2}$  per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$100,000;
- (d) Exceeds \$150,000 and does not exceed \$300,000—3 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$3,000 by which the aggregate value exceeds \$150,000;
- (e) Exceeds \$300,000 and does not exceed \$400,000— $3\frac{1}{2}$  per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$300,000;
- (f) Exceeds \$400,000 and does not exceed \$500,000— $4\frac{1}{2}$  per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$400,000;
- (g) Exceeds \$500,000 and does not exceed \$600,000—5 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$500,000;
- (h) Exceeds \$600,000 and does not exceed \$700,000— $5\frac{1}{2}$  per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$600,000;
- (i) Exceeds \$700,000 and does not exceed \$750,000—6 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$700,000;



- (j) Exceeds \$750,000 and does not exceed \$800,000— $6\frac{1}{2}$  per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$750,000;
- (k) Exceeds \$800,000 and does not exceed \$900,000—7 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$800,000;
- (l) Exceeds \$900,000 and does not exceed \$1,000,000— $7\frac{1}{2}$  per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$900,000;
- (m) Exceeds \$1,000,000 and does not exceed \$1,200,000—8 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$4,000 by which the aggregate value exceeds \$1,000,000;
- (n) Exceeds \$1,200,000 and does not exceed \$1,400,000— $8\frac{1}{2}$  per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$4,000 by which the aggregate value exceeds \$1,200,000;
- (o) Exceeds \$1,400,000 and does not exceed \$1,600,000—9 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$4,000 by which the aggregate value exceeds \$1,400,000;
- (p) Exceeds \$1,600,000 and does not exceed \$1,800,000— $9\frac{1}{2}$  per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$4,000 by which the aggregate value exceeds \$1,600,000;
- (q) Exceeds \$1,800,000 and does not exceed \$2,000,000—10 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$4,000 by which the aggregate value exceeds \$1,800,000;
- (r) Exceeds \$2,000,000 and does not exceed \$2,200,000— $10\frac{1}{2}$  per centum plus  $\frac{1}{100}$  of





1 per centum for each full \$4,000 by which the aggregate value exceeds \$2,000,000;

(s) Exceeds \$2,200,000 and does not exceed \$2,400,000—11 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$2,200,000;

(t) Exceeds \$2,400,000 and does not exceed \$2,600,000—12 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$2,400,000;

(u) Exceeds \$2,600,000 and does not exceed \$2,800,000—13 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$2,600,000;

(v) Exceeds \$2,800,000 and does not exceed \$3,000,000—14 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$2,800,000;

(w) Exceeds \$3,000,000—15 per centum.

Rate of  
duty where  
property  
passes to  
certain  
relatives.

(iii) Where the aggregate value of the property exceeds \$10,000 and any property passes in manner hereinbefore mentioned, either in whole or in part to or for the benefit of any lineal ancestor of the deceased, except the grandfather, grandmother, father and mother, or to any brother or sister of the deceased or to any descendant of such brother or sister or to a brother or sister of the father or mother of the deceased or to any descendant of such last-mentioned brother or sister, the same or so much thereof as so passes shall be subject to a duty at the rate and on the scale as follows:

Where the aggregate value,—

(a) Exceeds \$10,000 and does not exceed \$30,000—5 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$10,000;



- (b) Exceeds \$30,000 and does not exceed \$60,000—7 per centum plus  $\frac{10}{100}$  of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$30,000;
- (c) Exceeds \$60,000 and does not exceed \$100,000—10 per centum plus  $\frac{5}{100}$  of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$60,000;
- (d) Exceeds \$100,000 and does not exceed \$200,000—12 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$100,000;
- (e) Exceeds \$200,000 and does not exceed \$400,000—13 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$200,000;
- (f) Exceeds \$400,000 and does not exceed \$600,000—14 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$400,000;
- (g) Exceeds \$600,000 and does not exceed \$800,000—15 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$600,000;
- (h) Exceeds \$800,000 and does not exceed \$1,000,000—16 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$800,000;
- (i) Exceeds \$1,000,000—17 per centum.

- (iv) Where the aggregate value of the property exceeds \$10,000 and the value of the property passing in manner hereinbefore mentioned to any one of the persons mentioned in the next preceding paragraph, except the grandfather, grandmother, father and mother, exceeds the amount hereinafter mentioned, a further duty shall be paid on the amount so passing in addition to the duty in the next preceding paragraph mentioned as follows:

Additional  
duty where  
share  
exceeds  
\$10,000.



Where the whole amount so passing to one person,—

- (a) Exceeds \$10,000 and does not exceed \$60,000— $2\frac{1}{2}$  per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$10,000;
- (b) Exceeds \$60,000 and does not exceed \$160,000—3 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$60,000;
- (c) Exceeds \$160,000 and does not exceed \$200,000— $3\frac{1}{2}$  per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$4,000 by which the aggregate value exceeds \$160,000;
- (d) Exceeds \$200,000 and does not exceed \$300,000—4 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$200,000;
- (e) Exceeds \$300,000 and does not exceed \$350,000— $4\frac{1}{2}$  per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$300,000;
- (f) Exceeds \$350,000 and does not exceed \$450,000—5 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$350,000;
- (g) Exceeds \$450,000 and does not exceed \$500,000— $5\frac{1}{2}$  per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$450,000;
- (h) Exceeds \$500,000 and does not exceed \$600,000—6 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$500,000;
- (i) Exceeds \$600,000 and does not exceed \$700,000— $6\frac{1}{2}$  per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$600,000;
- (j) Exceeds \$700,000 and does not exceed \$800,000—7 per centum plus  $\frac{1}{100}$  of



1 per centum for each full \$2,000 by which the aggregate value exceeds \$700,000;

- (k) Exceeds \$800,000 and does not exceed \$900,000— $7\frac{1}{2}$  per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$800,000;
- (l) Exceeds \$900,000 and does not exceed \$1,000,000—8 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$900,000;
- (m) Exceeds \$1,000,000 and does not exceed \$1,500,000—9 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$5,000 by which the aggregate value exceeds \$1,000,000;
- (n) Exceeds \$1,500,000 and does not exceed \$2,000,000—10 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$5,000 by which the aggregate value exceeds \$1,500,000;
- (o) Exceeds \$2,000,000 and does not exceed \$2,500,000—11 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$5,000 by which the aggregate value exceeds \$2,000,000;
- (p) Exceeds \$2,500,000 and does not exceed \$3,000,000—12 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$5,000 by which the aggregate value exceeds \$2,500,000;
- (q) Exceeds \$3,000,000—13 per centum.

- (2) The additional duty provided for by paragraphs (ii) and (iv) shall be payable on the property in Ontario, where the deceased dies domiciled elsewhere than in Ontario, but for the purpose of fixing the rate of such duty the beneficial interest in property out of Ontario passing to the successor or other person on the same death shall be added to the value of the property in Ontario, and nothing in this Act shall be construed to impose any duty, directly or otherwise, on property out of Ontario owned by any deceased person so domiciled.

Rate where  
property  
passes  
to other  
persons.

- (3) Where the aggregate value of the property exceeds \$5,000 and any property passes in manner hereinbefore mentioned, either in whole or in part to or for





the benefit of any person in any other degree of collateral consanguinity to the deceased than is above mentioned or to or for the benefit of any stranger in blood to the deceased, the same or so much thereof as so passes shall be subject to a duty at the rate and on the scale as follows:

Where the aggregate value,—

- (a) Exceeds \$5,000 and does not exceed \$10,000— $7\frac{1}{2}$  per centum plus 1 per centum for each full \$1,000 by which the aggregate value exceeds \$5,000;
- (b) Exceeds \$10,000 and does not exceed \$50,000— $12\frac{1}{2}$  per centum plus  $\frac{5}{100}$  of 1 per centum for each full \$800 by which the aggregate value exceeds \$10,000;
- (c) Exceeds \$50,000 and does not exceed \$100,000—15 per centum plus  $\frac{5}{100}$  of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$50,000;
- (d) Exceeds \$100,000 and does not exceed \$200,000— $17\frac{1}{2}$  per centum plus  $\frac{5}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$100,000;
- (e) Exceeds \$200,000 and does not exceed \$300,000—20 per centum plus  $\frac{5}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$200,000;
- (f) Exceeds \$300,000 and does not exceed \$400,000— $22\frac{1}{2}$  per centum plus  $\frac{5}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$300,000;
- (g) Exceeds \$400,000 and does not exceed \$500,000—25 per centum plus  $\frac{5}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$400,000;
- (h) Exceeds \$500,000 and does not exceed \$600,000— $27\frac{1}{2}$  per centum plus  $\frac{5}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$500,000;
- (i) Exceeds \$600,000 and does not exceed \$700,000—30 per centum plus  $\frac{5}{100}$  of 1 per



centum for each full \$2,000 by which the aggregate value exceeds \$600,000;

(j) Exceeds \$700,000 and does not exceed \$800,000— $32\frac{1}{2}$  per centum plus  $\frac{5}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$700,000;

(k) Exceeds \$800,000—35 per centum.

Provided that when the amount passing to any one of the persons mentioned in this subsection does not exceed \$1,000, no duty shall be paid on the amount so passing in the event of such person having been in the employ of the deceased for at least five years immediately prior to his death.

Rev. Stat.,  
c. 26,  
amended.

**6.** *The Succession Duty Act* is further amended by adding thereto the following section:

Surtax.

9a. An additional duty by way of surtax of ten per centum on all duties imposed under this Act shall be levied and added to and collected with such duties.

Rev. Stat.,  
c. 26, s. 11,  
subs. 3  
(1931, c. 7,  
s. 8),  
amended.

**7.** Subsection 3 of section 11 of *The Succession Duty Act*, as enacted by section 8 of *The Succession Duty Amendment Act, 1931*, is amended by striking out the words "of money" in the third line, and by inserting after the word "policy" in the fourth line the words "or policies."

Rev. Stat.,  
c. 26, s. 12,  
subs. 1,  
amended.

**8.** Subsection 1 of section 12 of *The Succession Duty Act* is amended by striking out the word "six" in the fifth line and inserting in lieu thereof the word "three."

Rev. Stat.,  
c. 26, s. 16,  
subs. 2,  
amended.

**9.** Subsection 2 of section 16 of *The Succession Duty Act*, as amended by section 5 of *The Succession Duty Amendment Act, 1928*, is further amended by striking out the words "one year" in the eighth line and inserting in lieu thereof the words "six months."

Rev. Stat.,  
c. 26, s. 17,  
subs. 1,  
amended.

**10.** Subsection 1 of section 17 of *The Succession Duty Act*, as amended by section 6 of *The Succession Duty Amendment Act, 1928*, is further amended by striking out the words "one year" in the third line and inserting in lieu thereof the words "six months."

Commence-  
ment of Act.

**11.** This Act shall come into force on the day upon which it receives the Royal Assent, and shall apply to estates of persons dying on or after that day.

Section 6. Provides for a surtax of ten per cent. on the duty.

Section 7. The reason for this amendment is to limit the amount which any one insurance company can pay without consent, to \$1,000.

Sections 8, 9 and 10. These amendments are made to conform with amendments made in 1932 fixing time for payment of duty within six months of death.

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BILL

An Act to amend The Succession  
Duty Act.

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*1st Reading*

March 24th, 1933

*2nd Reading*

*3rd Reading*

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MR. HENRY (York East)

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Succession Duty Act.

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MR. HENRY (York East)

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No. 112

1933

# BILL

An Act to amend The Succession Duty Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      1. This Act may be cited as *The Succession Duty Act, 1933*.

Rev. Stat.,  
c. 26, s. 4,  
amended.      2. Section 4 of *The Succession Duty Act* is amended by adding thereto the following clause:

(e) For any debt or encumbrance, or portion thereof, which, by due process of law, is not realizable out of the property liable thereto.

Rev. Stat.,  
c. 26, s. 5,  
repealed.      3. Section 5 of *The Succession Duty Act* is repealed.

Rev. Stat.,  
c. 26, s. 6,  
cl. e,  
(1931, c. 7,  
s. 5),  
amended.      4. Clause *e* of section 6 of *The Succession Duty Act* as enacted by section 5 of *The Succession Duty Amendment Act, 1931*, is amended by adding at the end thereof the following words:

“provided that where the organization carries on its work both in and out of Ontario, the exemption from duty shall be allowed only upon such portion of the gift, devise or bequest as is in the same ratio to the whole that the ratio of expenditures of the organization for carrying on its work in Ontario bears to its total expenditures.”

so that the said clause shall now read as follows:

(e) On property given, devised or bequeathed to a religious, charitable or educational organization for religious, charitable or educational purposes to be carried out in Ontario; provided that where the organization carries on its work both in and out of Ontario the exemption from duty shall be allowed only upon such portion of the gift, devise or bequest



as is in the same ratio to the whole that the ratio of expenditures of the organization for carrying on its work in Ontario bears to its total expenditures.

5. Section 9 of *The Succession Duty Act*, as amended by *Rev. Stat., c. 26, s. 9, re-enacted*, section 7 of *The Succession Duty Amendment Act, 1931*, is repealed and the following substituted therefor:

9.—(1) Subject to the exceptions mentioned in sections 6, <sup>Amount of duty.</sup> 7 and 8 there shall be levied and paid for raising a revenue for provincial purposes in respect of any succession or on property passing on the death according to the dutiable value, the following duties over and above the fees paid under *The Surrogate* <sup>Rev. Stat. c. 94.</sup> *Courts Act*,—

- (i) Where the aggregate value of the property exceeds \$25,000, and any property passes in manner hereinbefore mentioned, either in whole or in part to or for the benefit of the grandfather, grandmother, father, mother, husband, wife, child, son-in-law or daughter-in-law of the deceased, the same or so much thereof as so passes and the succession thereto shall be subject to a duty at the rate and on the scale as follows:

Where the aggregate value,—

Where property passes to grand-parents, etc., and exceeds \$25,000.

- (a) Exceeds \$25,000 and does not exceed \$50,000—1 per centum plus  $\frac{6}{100}$  of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$25,000;
- (b) Exceeds \$50,000 and does not exceed \$75,000— $2\frac{1}{2}$  per centum plus  $\frac{4}{100}$  of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$50,000;
- (c) Exceeds \$75,000 and does not exceed \$100,000— $3\frac{1}{2}$  per centum plus  $\frac{6}{100}$  of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$75,000;
- (d) Exceeds \$100,000 and does not exceed \$150,000—5 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$100,000;
- (e) Exceeds \$150,000 and does not exceed \$200,000— $5\frac{1}{2}$  per centum plus  $\frac{1}{100}$  of 1

per centum for each full \$1,000 by which the aggregate value exceeds \$150,000;

- (f) Exceeds \$200,000 and does not exceed \$300,000—6 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$200,000;
- (g) Exceeds \$300,000 and does not exceed \$400,000—6½ per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$300,000;
- (h) Exceeds \$400,000 and does not exceed \$500,000—7 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$400,000;
- (i) Exceeds \$500,000 and does not exceed \$600,000—7½ per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$500,000;
- (j) Exceeds \$600,000 and does not exceed \$700,000—8 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$600,000;
- (k) Exceeds \$700,000 and does not exceed \$800,000—8½ per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$700,000;
- (l) Exceeds \$800,000 and does not exceed \$900,000—9 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$800,000;
- (m) Exceeds \$900,000 and does not exceed \$1,000,000—9½ per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$900,000;
- (n) Exceeds \$1,000,000—10 per centum.

- (ii) Where the aggregate value of the property exceeds \$50,000 and the value of the property passing in manner hereinbefore mentioned to any one of the persons mentioned in the next preceding paragraph exceeds the amount hereinafter mentioned, a further duty shall

Additional  
duty where  
share  
exceeds  
\$50,000.

be paid on the amount so passing in addition to the rates in the next preceding paragraph mentioned as follows:

Where the whole amount so passing to one person,—

- (a) Exceeds \$50,000 and does not exceed \$75,000— $1\frac{1}{2}$  per centum plus  $\frac{2}{100}$  of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$50,000;
- (b) Exceeds \$75,000 and does not exceed \$100,000—2 per centum plus  $\frac{2}{100}$  of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$75,000;
- (c) Exceeds \$100,000 and does not exceed \$150,000— $2\frac{1}{2}$  per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$100,000;
- (d) Exceeds \$150,000 and does not exceed \$300,000—3 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$3,000 by which the aggregate value exceeds \$150,000;
- (e) Exceeds \$300,000 and does not exceed \$400,000— $3\frac{1}{2}$  per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$300,000;
- (f) Exceeds \$400,000 and does not exceed \$500,000— $4\frac{1}{2}$  per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$400,000;
- (g) Exceeds \$500,000 and does not exceed \$600,000—5 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$500,000;
- (h) Exceeds \$600,000 and does not exceed \$700,000— $5\frac{1}{2}$  per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$600,000;
- (i) Exceeds \$700,000 and does not exceed \$750,000—6 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$700,000;

- (j) Exceeds \$750,000 and does not exceed \$800,000— $6\frac{1}{2}$  per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$750,000;
- (k) Exceeds \$800,000 and does not exceed \$900,000—7 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$800,000;
- (l) Exceeds \$900,000 and does not exceed \$1,000,000— $7\frac{1}{2}$  per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$900,000;
- (m) Exceeds \$1,000,000 and does not exceed \$1,200,000—8 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$4,000 by which the aggregate value exceeds \$1,000,000;
- (n) Exceeds \$1,200,000 and does not exceed \$1,400,000— $8\frac{1}{2}$  per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$4,000 by which the aggregate value exceeds \$1,200,000;
- (o) Exceeds \$1,400,000 and does not exceed \$1,600,000—9 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$4,000 by which the aggregate value exceeds \$1,400,000;
- (p) Exceeds \$1,600,000 and does not exceed \$1,800,000— $9\frac{1}{2}$  per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$4,000 by which the aggregate value exceeds \$1,600,000;
- (q) Exceeds \$1,800,000 and does not exceed \$2,000,000—10 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$4,000 by which the aggregate value exceeds \$1,800,000;
- (r) Exceeds \$2,000,000 and does not exceed \$2,200,000— $10\frac{1}{2}$  per centum plus  $\frac{1}{100}$  of

1 per centum for each full \$4,000 by which the aggregate value exceeds \$2,000,000;

(s) Exceeds \$2,200,000 and does not exceed \$2,400,000—11 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$2,200,000;

(t) Exceeds \$2,400,000 and does not exceed \$2,600,000—12 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$2,400,000;

(u) Exceeds \$2,600,000 and does not exceed \$2,800,000—13 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$2,600,000;

(v) Exceeds \$2,800,000 and does not exceed \$3,000,000—14 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$2,800,000;

(w) Exceeds \$3,000,000—15 per centum.

(iii) Where the aggregate value of the property exceeds \$10,000 and any property passes in manner hereinbefore mentioned, either in whole or in part to or for the benefit of any lineal ancestor of the deceased, except the grandfather, grandmother, father and mother, or to any brother or sister of the deceased or to any descendant of such brother or sister or to a brother or sister of the father or mother of the deceased or to any descendant of such last-mentioned brother or sister, the same or so much thereof as so passes shall be subject to a duty at the rate and on the scale as follows:

Rate of  
duty where  
property  
passes to  
certain  
relatives.

Where the aggregate value,—

(a) Exceeds \$10,000 and does not exceed \$30,000—5 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$10,000;



- (b) Exceeds \$30,000 and does not exceed \$60,000—7 per centum plus  $\frac{10}{100}$  of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$30,000;
  - (c) Exceeds \$60,000 and does not exceed \$100,000—10 per centum plus  $\frac{5}{100}$  of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$60,000;
  - (d) Exceeds \$100,000 and does not exceed \$200,000—12 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$100,000;
  - (e) Exceeds \$200,000 and does not exceed \$400,000—13 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$200,000;
  - (f) Exceeds \$400,000 and does not exceed \$600,000—14 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$400,000;
  - (g) Exceeds \$600,000 and does not exceed \$800,000—15 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$600,000;
  - (h) Exceeds \$800,000 and does not exceed \$1,000,000—16 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$800,000;
  - (i) Exceeds \$1,000,000—17 per centum.
- (iv) Where the aggregate value of the property exceeds \$10,000 and the value of the property passing in manner hereinbefore mentioned to any one of the persons mentioned in the next preceding paragraph, except the grandfather, grandmother, father and mother, exceeds the amount hereinafter mentioned, a further duty shall be paid on the amount so passing in addition to the duty in the next preceding paragraph mentioned as follows:

Additional  
duty where  
share  
exceeds  
\$10,000.

Where the whole amount so passing to one person,—

- (a) Exceeds \$10,000 and does not exceed \$60,000— $2\frac{1}{2}$  per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$10,000;
- (b) Exceeds \$60,000 and does not exceed \$160,000—3 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$60,000;
- (c) Exceeds \$160,000 and does not exceed \$200,000— $3\frac{1}{2}$  per centum plus  $\frac{5}{100}$  of 1 per centum for each full \$4,000 by which the aggregate value exceeds \$160,000;
- (d) Exceeds \$200,000 and does not exceed \$300,000—4 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$200,000;
- (e) Exceeds \$300,000 and does not exceed \$350,000— $4\frac{1}{2}$  per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$300,000;
- (f) Exceeds \$350,000 and does not exceed \$450,000—5 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$350,000;
- (g) Exceeds \$450,000 and does not exceed \$500,000— $5\frac{1}{2}$  per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$450,000;
- (h) Exceeds \$500,000 and does not exceed \$600,000—6 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$500,000;
- (i) Exceeds \$600,000 and does not exceed \$700,000— $6\frac{1}{2}$  per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$600,000;
- (j) Exceeds \$700,000 and does not exceed \$800,000—7 per centum plus  $\frac{1}{100}$  of

1 per centum for each full \$2,000 by which the aggregate value exceeds \$700,000;

(k) Exceeds \$800,000 and does not exceed \$900,000— $7\frac{1}{2}$  per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$800,000;

(l) Exceeds \$900,000 and does not exceed \$1,000,000—8 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$900,000;

(m) Exceeds \$1,000,000 and does not exceed \$1,500,000—9 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$5,000 by which the aggregate value exceeds \$1,000,000;

(n) Exceeds \$1,500,000 and does not exceed \$2,000,000—10 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$5,000 by which the aggregate value exceeds \$1,500,000;

(o) Exceeds \$2,000,000 and does not exceed \$2,500,000—11 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$5,000 by which the aggregate value exceeds \$2,000,000;

(p) Exceeds \$2,500,000 and does not exceed \$3,000,000—12 per centum plus  $\frac{1}{100}$  of 1 per centum for each full \$5,000 by which the aggregate value exceeds \$2,500,000;

(q) Exceeds \$3,000,000—13 per centum.

(2) The additional duty provided for by paragraphs (ii) and (iv) shall be payable on the property in Ontario, where the deceased dies domiciled elsewhere than in Ontario, but for the purpose of fixing the rate of such duty the beneficial interest in property out of Ontario passing to the successor or other person on the same death shall be added to the value of the property in Ontario, and nothing in this Act shall be construed to impose any duty, directly or otherwise, on property out of Ontario owned by any deceased person so domiciled.

Rate where  
property  
passes  
to other  
persons.

(3) Where the aggregate value of the property exceeds \$5,000 and any property passes in manner herein-before mentioned, either in whole or in part to or for



the benefit of any person in any other degree of collateral consanguinity to the deceased than is above mentioned or to or for the benefit of any stranger in blood to the deceased, the same or so much thereof as so passes shall be subject to a duty at the rate and on the scale as follows:

Where the aggregate value,—

- (a) Exceeds \$5,000 and does not exceed \$10,000—  
7½ per centum plus 1 per centum for each full \$1,000 by which the aggregate value exceeds \$5,000;
- (b) Exceeds \$10,000 and does not exceed \$50,000—  
12½ per centum plus  $\frac{5}{100}$  of 1 per centum for each full \$800 by which the aggregate value exceeds \$10,000;
- (c) Exceeds \$50,000 and does not exceed \$100,000—15 per centum plus  $\frac{5}{100}$  of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$50,000;
- (d) Exceeds \$100,000 and does not exceed \$200,000—17½ per centum plus  $\frac{5}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$100,000;
- (e) Exceeds \$200,000 and does not exceed \$300,000—20 per centum plus  $\frac{5}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$200,000;
- (f) Exceeds \$300,000 and does not exceed \$400,000—22½ per centum plus  $\frac{5}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$300,000;
- (g) Exceeds \$400,000 and does not exceed \$500,000—25 per centum plus  $\frac{5}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$400,000;
- (h) Exceeds \$500,000 and does not exceed \$600,000—27½ per centum plus  $\frac{5}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$500,000;
- (i) Exceeds \$600,000 and does not exceed \$700,000—30 per centum plus  $\frac{5}{100}$  of 1 per

centum for each full \$2,000 by which the aggregate value exceeds \$600,000;

(j) Exceeds \$700,000 and does not exceed \$800,000— $32\frac{1}{2}$  per centum plus  $\frac{5}{100}$  of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$700,000;

(k) Exceeds \$800,000—35 per centum.

Provided that when the amount passing to any one of the persons mentioned in this subsection does not exceed \$1,000, no duty shall be paid on the amount so passing in the event of such person having been in the employ of the deceased for at least five years immediately prior to his death.

Rev. Stat.,  
c. 26,  
amended.

**6.** *The Succession Duty Act* is further amended by adding thereto the following section:

Surtax.

9a. An additional duty by way of surtax of ten per centum on all duties imposed under this Act shall be levied and added to and collected with such duties.

Rev. Stat.,  
c. 26, s. 11,  
subs. 3  
(1931, c. 7,  
s. 8),  
amended.

**7.** Subsection 3 of section 11 of *The Succession Duty Act*, as enacted by section 8 of *The Succession Duty Amendment Act, 1931*, is amended by striking out the words "of money" in the third line, and by inserting after the word "policy" in the fourth line the words "or policies."

Rev. Stat.,  
c. 26, s. 12,  
subs. 1,  
amended.

**8.** Subsection 1 of section 12 of *The Succession Duty Act* is amended by striking out the word "six" in the fifth line and inserting in lieu thereof the word "three."

Rev. Stat.,  
c. 26, s. 16,  
subs. 2,  
amended.

**9.** Subsection 2 of section 16 of *The Succession Duty Act*, as amended by section 5 of *The Succession Duty Amendment Act, 1928*, is further amended by striking out the words "one year" in the eighth line and inserting in lieu thereof the words "six months."

Rev. Stat.,  
c. 26, s. 17,  
subs. 1,  
amended.

**10.** Subsection 1 of section 17 of *The Succession Duty Act*, as amended by section 6 of *The Succession Duty Amendment Act, 1928*, is further amended by striking out the words "one year" in the third line and inserting in lieu thereof the words "six months."

Commence-  
ment of Act.

**11.** This Act shall come into force on the day upon which it receives the Royal Assent, and shall apply to estates of persons dying on or after that day.







BILL

An Act to amend The Succession  
Duty Act.

*1st Reading*

March 24th, 1933

*2nd Reading*

March 31st, 1933

*3rd Reading*

April 6th, 1933

MR. HENRY (York East)

No. 113

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Cemetery Act.

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MR. DAVIS

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TORONTO  
PRINTED BY HERBERT H. BALL  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 113

1933

# BILL

## An Act to amend The Cemetery Act.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Cemetery Act, 1933*.

Rev. Stat.  
c. 317  
amended.

2. *The Cemetery Act* is amended by adding thereto the following section:

War  
memorial  
com-  
mittee,—  
appoint-  
ment of.

41a.—(1) The council of every county shall appoint a committee to be known as "The (insert name of county) War Memorial Committee" to take charge of monuments, tablets and other memorials established or erected within the county in commemoration of the nursing sisters, officers and men of His Majesty's forces who served, were wounded, killed or died during the Great War 1914-1918, except only such monuments, tablets and other memorials as are being cared for by municipalities, churches or other organizations.

Committee  
to serve  
without  
remunera-  
tion.

(2) The committee to be appointed under subsection 1 shall be composed of five persons of whom two shall be members of the county council and the members of the committee shall serve without remuneration.

Commence-  
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.



#### EXPLANATORY NOTES

With the passing of time some war memorials are beginning to be neglected principally because the voluntary organizations which undertook their erection have ceased to function.

To ensure that these memorials will not get into a state of disrepair it is proposed that every county council appoint a voluntary committee to look after such of the memorials as are not already being cared for.

BILL

An Act to amend The Cemetery Act.

*1st Reading*

March 27th, 1933

*2nd Reading*

*3rd Reading*

MR. DAVIS

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Cemetery Act.

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MR. DAVIS

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No. 113

1933

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Committee  
to serve  
without  
remunera-  
tion.

(2) The committee to be appointed under subsection 1 shall be composed of five persons of whom two shall be members of the county council and the members of the committee shall serve without remuneration.

Commence-  
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.



BILL

An Act to amend The Cemetery Act.

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*1st Reading*

March 27th, 1933

*2nd Reading*

April 3rd, 1933

*3rd Reading*

April 13th, 1933

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MR. DAVIS

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No. 114

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Conditional Sales Act.

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MR. PRICE (Parkdale)

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TORONTO  
PRINTED BY HERBERT H. BALL  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act to amend The Conditional Sales Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Conditional Sales Act, 1933*.

Rev. Stat.,  
c. 165, s. 8  
subs. 3  
(1932, c. 18,  
s. 2, subs. 2),  
repealed.

2. Subsection 3 of section 8 of *The Conditional Sales Act* as enacted by subsection 2 of section 2 of *The Conditional Sales Act, 1932*, is repealed and the following substituted therefor:

Filing to  
be notice of  
contract.

(3) The filing of a conditional sale contract or hire receipt as provided in subsection 2 of section 8 shall be deemed actual notice to a creditor, subsequent purchaser or mortgagee of such goods or realty.

Rev. Stat.,  
c. 165,  
amended.

3. *The Conditional Sales Act* is amended by adding thereto the following section:

In addition  
to any filing  
required,—  
notice of  
contract may  
be registered  
in registry or  
land titles  
office.

12.—(1) In addition to any other registration or filing that may be required by this Act, notice of any hire receipt or conditional sale contract (Form 1) may be registered in the proper registry or land titles office, and shall set out,—

Contents  
of notice.

(a) the name and residence of the vendor and the purchaser;

(b) a short description of the goods sold;

(c) the amount of the purchase price;

(d) a description of the land owned by the purchaser, or in which he has any interest to which the goods are to be affixed, sufficient for the purpose of registration, and where the land is registered under *The Land Titles Act*, also a reference to the number of the parcel of the

Rev. Stat.,  
c. 158.



## EXPLANATORY NOTES

Owing to recent court decisions Conditional Sale Agreements for the sale of goods, where such goods become affixed to land, in order to constitute notice to a subsequent purchaser or mortgagee of land should be registered against the land in the proper registry or land titles office.

The basic principle being that any one who claims a right to remove a fixture by virtue of such contract should, to protect himself, and incidentally a purchaser as well, file notice in such office against the land. When such notice is only filed with the county or district court clerk, there is nothing to identify such chattel; the contract may cover more than one article and no reference is made to any land upon which the article is affixed so that searches there are unavailing.

Section 8 of *The Conditional Sales Act* deals with goods, other than building materials that have been affixed to land.

In order to protect creditors who have sold mining machinery which becomes affixed to unpatented lands, an amendment was made in 1932 to section 8 to allow filing with the mining recorder, because unpatented land is not entered in registry and land titles offices. This was effected by adding subsection 2 to section 8.

Subsection 3 was also added by the 1932 amendment and reads as follows:

- (3) The filing of such contract or hire receipt as provided in section 2 or 8 of this Act shall be deemed actual notice to a creditor, subsequent purchaser or mortgagee of such goods or realty.

Section 2 of the Act provides for the filing of such contract in the county or district court clerk's office. Doubts have arisen whether subsection 3 is intended to apply only to mining machinery or to all chattels affixed to realty. If applicable to all class of chattels, then this section overrides the court decisions, and filing in the county or district court clerk's office will be sufficient notice to a purchaser or mortgagee of land.

When the Bill of 1932 was introduced in the Legislature, subsection 3 read as follows:

- (3) A patent or lease shall not issue for any such mining claim until any lien or charge on the same under this Act has been discharged.

The Committee of the House when dealing with the said Bill substituted the present subsection 3 for the above. In view of this fact and also as it was necessary to have a subsection providing that the filing of such notice in a mining recorder's office would constitute notice, there is justification for the view that such subsection 3 is only applicable to mining machinery, and that it was not the intention to have it apply generally or override the court decisions.

Section 2 clears this doubt, repeals subsection 3 of section 8 and substitutes a subsection which applies to mining machinery only.

Section 3 provides a method and a form to be used where it is desired to register notice of a conditional sale contract against land in any registry or land titles office. It is also provided in this section that such registration when effected shall be deemed to be actual notice to an owner of such land or a subsequent purchaser or mortgagee of such land. It also fixes the fee for registration.

land and to the register in which such land is registered in the land titles office

Form  
of notice  
provided,  
and  
affidavit  
verifying.

- (2) the notice shall be signed by the vendor or his authorized agent, assignee or personal representative, and shall be verified in duplicate by the affidavit (Form 2) of the vendor, or his authorized agent, assignee or personal representative having personal knowledge of the matters required to be verified, and the affidavit of the agent, assignee or personal representative shall state that he has such knowledge.

Registration  
to be notice  
to purchaser  
or mortgagee  
of land.

- (3) the registration of such conditional sale contract or hire receipt as provided herein shall be deemed actual notice to the owner of such land or any interest therein or to a subsequent purchaser, mortgagee or other encumbrancer of such land or any interest therein.

Fee for  
registration.

- (4) the fee for registration of such notice shall be \$1.

Discharge.

- (5) a hire receipt or conditional sale agreement registered under the provisions of this section may be discharged by a certificate (Form 3) signed by the vendor, his authorized agent, assignee or personal representative, accompanied by an affidavit of execution.

Fee for  
discharge.

- (6) the fee for registration of a discharge shall be fifty cents.

Rev. Stat.,  
c. 165,  
amended.

4. *The Conditional Sales Act* is amended by adding at the end thereof the following Schedule of Forms:



## SCHEDULE OF FORMS

## FORM 1

## NOTICE OF CONDITIONAL SALE CONTRACT OR HIRE RECEIPT

I, A.B. ....  
 (Name of vendor, assignee, personal representative or agent of vendor),  
 of the .....  
 (fill in place of residence) (set out facts whether vendor, assignee,  
 ..... , hereby give notice that  
 personal representative or agent of vendor)  
 ..... , was sold under a conditional sale  
 (set out short description of goods)  
 agreement to ..... of .....  
 (name of purchaser) (fill in place of residence)

The amount owing thereon is \$.....  
The following is a description of the land upon which the goods are affixed.

.....

This notice is given for the purpose of registration in the.....  
(Registry or Land

..... of the .....  
*Titles Office*) (set out City, County or District)

Dated.....this.....day of....., 19....

(Signature of vendor or agent, etc., as the case may be)

## FORM 2

## AFFIDAVIT VERIFYING CLAIM

I, A.B., named in the above (or attached) notice, make oath and say:

That the facts set out there are true.

(Where the affidavit is made by the agent, assignee or personal representative, a clause must be added to the following effect):

"I have full knowledge of the facts set forth in the above (or annexed) notice."

Sworn before me at.....  
the.....of.....  
in the.....of.....  
this.....day of....., 19.....

(Signature of vendor, or agent, etc.)



## FORM 3

## CERTIFICATE OF DISCHARGE

The lien registered by.....  
 of the.....of.....  
 upon the following lands.....  
 .....  
 Dated the.....day of....., 19...  
 and registered the.....day of.....  
 as No. ...., in the .....  
 .....  
 .....for the .....  
 case may be) (County or District as the case may be)  
 of....., is discharged.

.....  
 (Signature of vendor or as the case may be)

Commence-  
 ment of Act

5. This Act shall come into force on the day upon which it receives the Royal Assent.









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BILL

An Act to amend The Conditional  
Sales Act.

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*1st Reading*

March 27th, 1933

*2nd Reading*

*3rd Reading*

---

MR. PRICE (Parkdale)

---

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

---

# BILL

An Act to amend The Conditional Sales Act.

---

MR. PRICE (Parkdale)

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No. 114

1933

# BILL

An Act to amend The Conditional Sales Act.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Conditional Sales Act, 1933*.

Rev. Stat.,  
c. 165, s. 8  
subs. 3  
(1932, c. 18,  
s. 2, subs. 2),  
repealed.      **2.** Subsection 3 of section 8 of *The Conditional Sales Act* as enacted by subsection 2 of section 2 of *The Conditional Sales Act, 1932*, is repealed and the following substituted therefor:

Filing to  
be notice of  
contract.      (3) The filing of a conditional sale contract or hire receipt as provided in subsection 2 of section 8 shall be deemed actual notice to a creditor, subsequent purchaser or mortgagee of such goods or realty.

Rev. Stat.,  
c. 165,  
amended.      **3.** *The Conditional Sales Act* is amended by adding thereto the following section:

In addition  
to any filing  
required,—  
notice of  
contract may  
be registered  
in registry or  
land titles  
office.      12.—(1) In addition to any other registration or filing that may be required by this Act, notice of any hire receipt or conditional sale contract (Form 1) may be registered in the proper registry or land titles office, and shall set out,—

Contents  
of notice.      (a) the name and residence of the vendor and the purchaser;

(b) a short description of the goods sold;

(c) the amount of the purchase price;

(d) a description of the land owned by the purchaser, or in which he has any interest to which the goods are to be affixed, sufficient for the purpose of registration, and where the land is registered under *The Land Titles Act*, also a reference to the number of the parcel of the

Rev. Stat.,  
c. 158.

land and to the register in which such land is registered in the land titles office

- (2) the notice shall be signed by the vendor or his authorized agent, assignee or personal representative, and shall be verified in duplicate by the affidavit (Form 2) of the vendor, or his authorized agent, assignee or personal representative having personal knowledge of the matters required to be verified, and the affidavit of the agent, assignee or personal representative shall state that he has such knowledge. Form of notice provided, and affidavit verifying.
- (3) the registration of such conditional sale contract or hire receipt as provided herein shall be deemed actual notice to the owner of such land or any interest therein or to a subsequent purchaser, mortgagee or other encumbrancer of such land or any interest therein. Registration to be notice to purchaser or mortgagee of land.
- (4) the fee for registration of such notice shall be \$1. Fee for registration.
- (5) a hire receipt or conditional sale agreement registered under the provisions of this section may be discharged by a certificate (Form 3) signed by the vendor, his authorized agent, assignee or personal representative, accompanied by an affidavit of execution. Discharge.
- (6) the fee for registration of a discharge shall be fifty cents. Fee for discharge.

4. *The Conditional Sales Act* is amended by adding at the end thereof the following Schedule of Forms: Rev. Stat., c. 165, amended.

## SCHEDULE OF FORMS

## FORM 1

## NOTICE OF CONDITIONAL SALE CONTRACT OR HIRE RECEIPT

I, A.B. ....  
 (Name of vendor, assignee, personal representative or agent of vendor),  
 of the .....  
 (fill in place of residence) (set out facts whether vendor, assignee  
 .....  
 personal representative or agent of vendor)  
 ....., hereby give notice that  
 ....., was sold under a conditional sale  
 (set out short description of goods)  
 agreement to ..... of .....  
 (name of purchaser) (fill in place of residence)

The amount owing thereon is \$ .....  
 The following is a description of the land upon which the goods are affixed.  
 .....  
 .....  
 This notice is given for the purpose of registration in the .....  
 (Registry or Land  
 ..... of the .....  
 Titles Office) (set out City, County or District)

Dated ..... this ..... day of ....., 19 ....

.....  
 (Signature of vendor or agent, etc., as the case may be)

## FORM 2

## AFFIDAVIT VERIFYING CLAIM

I, A.B., named in the above (or attached) notice, make oath and say:

That the facts set out there are true.

(Where the affidavit is made by the agent, assignee or personal representative, a  
 clause must be added to the following effect):

"I have full knowledge of the facts set forth in the above (or annexed)  
 notice."

SWORN before me at .....  
 the ..... of .....  
 in the ..... of .....  
 this ..... day of ....., 19 ..

.....  
 (Signature of vendor, or agent, etc.)

## FORM 3

## CERTIFICATE OF DISCHARGE

The lien registered by.....  
of the.....of.....,.....  
.....(name of vendor)  
.....(occupation)  
upon the following lands.....  
.....(set out lands)  
.....  
Dated the.....day of....., 19...  
and registered the.....day of.....  
as No. ...., in the .....  
.....(Registry or Land Titles Office, as the  
case may be) for the .....  
.....(County or District as the case may be)  
of....., is discharged.

.....  
(Signature of vendor or as the case may be)

5. This Act shall come into force on the day upon which it receives the Royal Assent. <sup>Commence-</sup>  
<sup>ment of Act</sup>







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BILL

An Act to amend The Conditional  
Sales Act.

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*1st Reading*

March 27th, 1933

*2nd Reading*

March 29th, 1933

*3rd Reading*

April 6th, 1933

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MR. PRICE (Parkdale)

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Stenographic Reporters' Act.

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MR. PRICE (Parkdale)

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No. 115

1933

# BILL

## An Act to amend The Stenographic Reporters' Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Chartered Shorthand Reporters Act, 1933*.

Change of title of Act.      **2.** The title to chapter 204 of the Revised Statutes of Ontario, 1927, "*The Stenographic Reporters' Act*," is repealed, and the following substituted therefor: "*The Chartered Shorthand Reporters Act*."

Rev. Stat. c. 204, s. 1, amended.      **3.** Section 1 of *The Stenographic Reporters' Act* is amended by striking out the word "Stenographic" in the second line and inserting in lieu thereof the word "Shorthand" so that the section shall now read as follows:

Interpretation.      **1.** In this Act, "Association" shall mean The Chartered Shorthand Reporters' Association of Ontario.

Rev. Stat. c. 204, s. 4, subs. 1, amended.      **4.—(1)** Subsection 1 of section 4 of *The Stenographic Reporters' Act*, is amended by striking out the word "stenographer," in the fourth line, and inserting in lieu thereof the words: "shorthand reporter"; by striking out the word "Stenographic" in the ninth and tenth lines and inserting in lieu thereof the word "Shorthand," so that the said subsection shall now read as follows:

Educational powers.      **(1)** The Association shall have power to promote and increase by all lawful ways and means the knowledge, skill and proficiency of its members in all things relating to the business or calling of a shorthand reporter, and to that end to establish classes, lectures and examinations and prescribe such tests of competence, fitness and moral character as may be thought expedient to qualify for admission to

#### EXPLANATORY NOTES

This Amendment changes the title of the Act from "*The Stenographic Reporter's Act*", to "*The Chartered Shorthand Reporters Act*." The words "stenographic," "stenographer," and "stenography," being changed where they appear in the said Act, to "shorthand," "shorthand reporter" and "shorthand writing" respectively.

A Chartered Reporter has studied the technical side of shorthand, prepared and equipped himself for the difficult work of verbatim reporting in all lines and this takes him out of the category of a "stenographer" which carries with it the common idea of one holding a position in an office taking dictation.

membership, to grant diplomas and certificates of efficiency, and to authorize its members to use the distinguishing title "Chartered Shorthand Reporter" or the letters, "C.S.R."

Rev. Stat.  
c. 204, s. 4,  
subs. 2,  
amended.

(2) Subsection 2 of section 4, of *The Stenographic Reporters' Act* is amended by striking out the word "stenography" in the second line, and inserting in lieu thereof the words "shorthand reporting," so that the said subsection shall now read as follows:

Examination  
of students  
and affilia-  
tion.

(2) The Association may also prescribe for students of shorthand reporting, who desire to become members of the Association, such examinations and may grant to them such certificates of competency as it sees fit, and may organize the students into a society in affiliation with itself for study and mutual improvement.

Rev. Stat.,  
c. 206, s. 6,  
subs. 1,  
amended.

5. Subsection 1 of section 6 of *The Stenographic Reporters' Act* is amended by striking out the word "stenography" in the fourth line and inserting in lieu thereof the words "shorthand reporting" so that the said subsection shall now read as follows:

Council.

(1) The affairs, business and concerns of the Association shall be managed by a council composed of nine persons who shall be British subjects, who have resided and practised the profession of shorthand reporting within Ontario for at least five years.

Rev. Stat.  
c. 204, s. 8,  
subs. 1,  
amended.

6. Subsection 1 of section 8 of *The Stenographic Reporters' Act* is amended by striking out the word "stenographic" in the third line, and inserting in lieu thereof the word "shorthand," so that the said subsection shall now read as follows:

Admission  
by vote of  
council.

(1) The Council may, by a vote of two-thirds of all the members thereof, admit to membership in the Association without examination, a shorthand reporter who by reason of his professional reputation and standing is deemed qualified for membership.

Rev. Stat.  
c. 204, s. 13,  
subs. 1,  
amended.

7. Subsection 1 of section 13 of *The Stenographic Reporters' Act* is amended by striking out the word "Stenographic" in the second line and inserting in lieu thereof the word "Shorthand," so that the said subsection shall now read as follows:

Restriction  
of right to  
use title.

(1) No person shall be entitled to take or use the title of "Chartered Shorthand Reporter" or the letters "C.S.R." either alone or in combination with any



other words, or any name, title or description implying that he is a member of the Association, unless he is a member in good standing.

Commence-  
ment of Act.

8. This Act shall come into force on the day upon which it receives the Royal Assent.





BILL

An Act respecting The Stenographic  
Reporters' Act.

*1st Reading*

March 27th, 1933

*2nd Reading*

*3rd Reading*

MR. PRICE (Parkdale)

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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## BILL

An Act to amend The Stenographic Reporters' Act.

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MR. PRICE (Parkdale)

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No. 115

1933

# BILL

## An Act to amend The Stenographic Reporters' Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      1. This Act may be cited as *The Chartered Shorthand Reporters Act, 1933*.

Change of  
title of Act.      2. The title to chapter 204 of the Revised Statutes of Ontario, 1927, "*The Stenographic Reporters' Act*," is repealed, and the following substituted therefor: "*The Chartered Shorthand Reporters Act*."

Rev. Stat.  
c. 204, s. 1,  
amended.      3. Section 1 of *The Stenographic Reporters' Act* is amended by striking out the word "Stenographic" in the second line and inserting in lieu thereof the word "Shorthand" so that the section shall now read as follows:

Interpreta-  
tion.      1. In this Act, "Association" shall mean The Chartered Shorthand Reporters' Association of Ontario.

Rev. Stat.  
c. 204, s. 4,  
subs. 1,  
amended.      4.—(1) Subsection 1 of section 4 of *The Stenographic Reporters' Act*, is amended by striking out the word "stenographer," in the fourth line, and inserting in lieu thereof the words: "shorthand reporter"; by striking out the word "Stenographic" in the ninth and tenth lines and inserting in lieu thereof the word "Shorthand," so that the said subsection shall now read as follows:

Educational  
powers.      (1) The Association shall have power to promote and increase by all lawful ways and means the knowledge, skill and proficiency of its members in all things relating to the business or calling of a shorthand reporter, and to that end to establish classes, lectures and examinations and prescribe such tests of competence, fitness and moral character as may be thought expedient to qualify for admission to

membership, to grant diplomas and certificates of efficiency, and to authorize its members to use the distinguishing title "Chartered Shorthand Reporter" or the letters, "C.S.R."

(2) Subsection 2 of section 4, of *The Stenographic Reporters' Act* is amended by striking out the word "stenography" in the second line, and inserting in lieu thereof the words "shorthand reporting," so that the said subsection shall now read as follows:

- (2) The Association may also prescribe for students of shorthand reporting who desire to become members of the Association, such examinations and may grant to them such certificates of competency as it sees fit, and may organize the students into a society in affiliation with itself for study and mutual improvement.

5. Subsection 1 of section 6 of *The Stenographic Reporters' Act* is amended by striking out the word "stenography" in the fourth line and inserting in lieu thereof the words "shorthand reporting" so that the said subsection shall now read as follows:

- (1) The affairs, business and concerns of the Association Council shall be managed by a council composed of nine persons who shall be British subjects, who have resided and practised the profession of shorthand reporting within Ontario for at least five years.

6. Subsection 1 of section 8 of *The Stenographic Reporters' Act* is amended by striking out the word "stenographic" in the third line, and inserting in lieu thereof the word "shorthand," so that the said subsection shall now read as follows:

- (1) The Council may, by a vote of two-thirds of all the members thereof, admit to membership in the Association without examination, a shorthand reporter who by reason of his professional reputation and standing is deemed qualified for membership.

7. Subsection 1 of section 13 of *The Stenographic Reporters' Act* is amended by striking out the word "Stenographic" in the second line and inserting in lieu thereof the word "Shorthand," so that the said subsection shall now read as follows:

- (1) No person shall be entitled to take or use the title of "Chartered Shorthand Reporter" or the letters "C.S.R." either alone or in combination with any

other words, or any name, title or description implying that he is a member of the Association, unless he is a member in good standing.

Commence-  
ment of Act.

8. This Act shall come into force on the day upon which it receives the Royal Assent.









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BILL

An Act respecting The Stenographic  
Reporters' Act.

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*1st Reading*

March 27th, 1933

*2nd Reading*

March 29th, 1933

*3rd Reading*

April 6th, 1933

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MR. PRICE (Parkdale)

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Assessment Act.

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MR. ACRES

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# BILL

## An Act to amend The Assessment Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 328, s. 102,  
subs. 2,  
amended.

1.—(1) Subsection 2 of section 102 of *The Assessment Act* is amended by adding after the word "town" in the third line the words "or township bordering on a city having a population of more than 50,000," so that the said subsection shall now read as follows:

Preparation  
of collector's  
roll.

(2) Notwithstanding anything contained in subsection 1 or in *The Public Schools* or *Separate Schools Acts* the council of any city or town, or township bordering on a city having a population of more than 50,000, may by by-law provide that the clerk shall set down the name in full of every person assessed and the assessed value of his real property, taxable business and income, as ascertained after the final revision of the assessment roll, and opposite such assessed value he shall set down in a column for that purpose the total amount for which the person is chargeable for all sums ordered to be levied by the said council or school boards for the purposes thereof.

Rev. Stat.,  
c. 238, s. 102,  
subs. 3,  
amended.

(2) Subsection 3 of the said section 102 is amended by adding thereto the following clause:

(c) In case of the townships mentioned in subsection 2, the name and amount of each rate levied by the municipality for each school section.

Rev. Stat.,  
c. 238, s. 102,  
amended.

(3) The said section 102 is further amended by adding thereto the following subsection:

(4) Where the council of a township mentioned in subsection 2 exercises the power set forth therein, a separate form of demand for taxes or tax bill may be provided for each school section whereon shall be written, printed or endorsed a table setting forth the particulars of each rate levied in the school section.

#### EXPLANATORY NOTES

In cities and towns in the preparation of the tax roll it is not necessary to set out in detail all the rates provided a table thereof is attached to the roll. Similarly with respect to tax bills sent out by cities and towns.

The object of this Bill is to extend to townships bordering on a city of 50,000 people the rights possessed by cities and towns in these matters with a proviso for showing by a table the different rates levied in each school section of the township and for a separate form of tax bill in each school section.

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BILL

An Act to amend The Assessment Act.

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*1st Reading*

March 27th, 1933

*2nd Reading*

*3rd Reading*

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MR. ACRES

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Public Service Works on Highways Act.

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MR. JAMIESON

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# BILL

## An Act to amend The Public Service Works on Highways Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Public Service Works on Highways Act, 1933*.

Rev. Stat.,  
c. 56, s. 3,  
amended.

2. Section 3 of *The Public Service Works on Highways Act* is amended by inserting after the word and figure "section 2" in the eighth line the words "or that such cost shall be limited to the cost of labour," and by inserting after the word "may" in the tenth line the words "fix, determine and," so that the said section shall now read as follows:

Cost of  
removal of  
appliances  
and works  
on altera-  
tions in  
highway.

3. Notwithstanding anything in section 2 where it is made to appear to the Ontario Municipal Board, upon application made to it, that the circumstances and conditions under which any of the appliances or works mentioned in the said section 2 have been placed on or under a highway, or that other special conditions render it unfair or unjust that the cost of taking up, removing or changing the location of such works should be apportioned and paid as provided in section 2, or that such cost shall be limited to the cost of labour, the Board, upon the application of the road authority or operating corporation may fix, determine and apportion the cost of the taking up, removing or changing the works in such manner as may appear to it to be equitable, and the decision of the Board shall be final and shall not be subject to appeal.

Commence-  
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.



#### EXPLANATORY NOTE

The object of this Bill is to remove doubts as to the powers of the Municipal Board by specifically stating that it may limit the apportionment to the cost of labour employed in the work upon the highway and to fix and determine the cost accordingly.

190.117

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BILL

An Act to amend The Public Service Works  
on Highways Act.

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*1st Reading*

March 28th, 1933

*2nd Reading*

*3rd Reading*

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MR. JAMIESON

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4TH SESSION 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Corporations Tax Act.

---

MR. HENRY (York East)

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No. 118

1933

# BILL

## An Act to amend The Corporations Tax Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Corporations Tax Act, 1933*.

Rev. Stat.,  
c. 29, s. 8,  
subss. 2 and  
3, repealed.      **2.** Subsections 2 and 3 of section 8 of *The Corporations Tax Act* are repealed.

Rev. Stat.,  
c. 29, s. 12  
(1932, c. 8,  
s. 4), re-  
pealed.      **3.** Section 12 of *The Corporations Tax Act* as enacted by section 4 of *The Corporations Tax Act, 1932*, is repealed and the following substituted therefor:

Transfer tax.      **12.—(1)** Upon every change of ownership consequent upon the sale, transfer or assignment of any share of stock of any association, company or corporation, or of any bond, debenture or share of debenture stock made or carried into effect in Ontario, or of any participating interest in the operations or profits of an association, company or corporation, represented by certificates or other instruments of title capable of being sold, transferred or assigned, including mineral deeds, oil royalties, and fixed investment trust shares issued by a trustee and representing an equitable ownership in deposited securities, and upon every order given in Ontario for the sale, transfer or assignment of any such securities when the order is to be executed outside of Ontario, there shall be imposed, levied and collected a tax as follows:

(a) Three cents for every one hundred dollars or fraction thereof, of the par value of a bond, debenture or debenture stock;

(b) Five cents for every share of stock sold or transferred at a price over one hundred and fifty dollars per share;

#### EXPLANATORY NOTES

Section 2. It is no longer deemed necessary to have this return made under section 8 verified by affidavit.

Section 3. This section changes the rate of transfer tax so as to correspond with the Dominion transfer tax, and thereby the calculations and rulings will in future be the same for both.

- (c) Four cents for every share of stock sold or transferred at a price over seventy-five dollars per share but not more than one hundred and fifty dollars per share;
  - (d) Three cents for every share of stock sold or transferred at a price over fifty dollars per share but not more than seventy-five dollars per share;
  - (e) Two cents for every share of stock sold or transferred at a price over twenty-five dollars per share but not more than fifty dollars per share;
  - (f) One cent for every share of stock sold or transferred at a price over five dollars per share but not more than twenty-five dollars per share;
  - (g) One-quarter of one cent for every share of stock sold or transferred at a price of one dollar to five dollars per share, but not more than five dollars per share;
  - (h) One-tenth of one per cent. of the value of every share of stock sold or transferred at a price less than one dollar per share.
- (2) Except as hereinafter provided, if a change of ownership otherwise than by sale is effected, of any share of stock, such change of ownership shall be subject to the tax imposed by this section, computed on the basis of the current market price of the aforesaid share of stock.
  - (3) In any case where a current market price has not been established by recent sales, or where it is difficult to ascertain the value of the shares of stock, the Treasurer may fix a price which shall be the price on which the tax shall be paid.
  - (4) The said tax shall be payable in tax stamps by the vendor, transferor or assignor, and the Lieutenant-Governor in Council may make regulations prescribing in any case or class of cases the manner in which and the persons by whom the amount of such tax shall be computed and collected for and on behalf of His Majesty.
  - (5) The following transactions shall not be subject to the tax imposed by this section:



- (a) The sale, transfer or assignment of any bond, debenture or share of debenture stock of the Dominion of Canada or of any province of Canada;
- (b) The assignment of the allotment of the shares of any association, company or corporation or of the right to receive when issued the unallotted shares of any association, company or corporation;
- (c) The allotment by any association, company or corporation of its shares in order to effect an issue thereof and the first issue of a bond, debenture or share of debenture stock.

Records  
to be kept.

- (6) Every person liable under this section or under regulations made hereunder to collect or pay the tax imposed by this section, shall keep records and books of account at his place of business in Ontario, adequate for the purposes and such records and books of account shall be open at all reasonable times to the inspection of the officers or other persons authorized by the Treasurer to inspect the same.

Inspection  
of records.

- (7) Any person who in any way prevents or attempts to prevent any such officer or other person from having access to or inspecting any such records and books of account, and any person who being liable to keep such records and books of account, refuses to produce the same for inspection, shall be liable on summary conviction to a penalty of not less than five hundred dollars and not exceeding five thousand dollars.

Assessment  
of tax when  
records not  
adequate.

- (8) If any person liable to maintain records and books of account for the purposes of this section has, in the opinion of the Treasurer, failed to maintain adequate records and books of account, the Treasurer may assess the tax payable by such person under this section and the taxes so assessed shall be deemed to be due and payable forthwith.

Regulations.

- (9) The Lieutenant-Governor in Council may make regulations for the purpose of determining what constitutes a sale, transfer or assignment under this section.

Penalty.

- (10) Any person who, being thereto liable, neglects or refuses to pay the tax imposed by this section, or who violates any of the provisions of this section for





which no other penalty is provided, or of any regulations made thereunder, shall be liable upon summary conviction to a penalty not exceeding five hundred dollars.

Rev. Stat.,  
c. 29.  
s. 13, subss.  
2 and 3,  
repealed.

4. Subsections 2 and 3 of section 13 of *The Corporations Tax Act* are repealed and the following substituted therefor:

Verification  
of returns.

(2) Such return shall be verified by the affidavit of the president, vice-president, secretary, or one of the directors.

Commence-  
ment of Act.

5. This Act shall come into force on the 1st day of June, 1933.

Section 4. At present the return is to be verified by affidavit of president and secretary. The amendment permits a wider range of verifying officers.





BILL  
An Act to amend The Corporations  
Tax Act.

*1st Reading*

March 28th, 1933

*2nd Reading*

*3rd Reading*

MR. HENRY (York East)

4TH SESSION 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Corporations Tax Act.

---

MR. HENRY (York East)

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# BILL

## An Act to amend The Corporations Tax Act.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Corporations Tax Act, 1933*.

Rev. Stat.,  
c. 29, s. 8,  
subss. 2 and  
3, repealed.      **2.** Subsections 2 and 3 of section 8 of *The Corporations Tax Act* are repealed.

Rev. Stat.,  
c. 29, s. 12  
(1932, c. 8,  
s. 4), re-  
enacted.      **3.** Section 12 of *The Corporations Tax Act* as re-enacted by section 4 of *The Corporations Tax Act, 1932*, is repealed and the following substituted therefor:

Transfer tax.      **12.—(1)** Upon every change of ownership consequent upon the sale, transfer or assignment of any share of stock of any association, company or corporation, or of any bond, debenture or share of debenture stock made or carried into effect in Ontario, or of any participating interest in the operations or profits of an association, company or corporation, represented by certificates or other instruments of title capable of being sold, transferred or assigned, including mineral deeds, oil royalties, and fixed investment trust shares issued by a trustee and representing an equitable ownership in deposited securities, and upon every order given in Ontario for the sale, transfer or assignment of any such securities when the order is to be executed outside of Ontario, there shall be imposed, levied and collected a tax as follows:

(a) Three cents for every one hundred dollars or fraction thereof, of the par value of a bond, debenture or debenture stock;

(b) Five cents for every share of stock sold or transferred at a price over one hundred and fifty dollars per share;



- (c) Four cents for every share of stock sold or transferred at a price over seventy-five dollars per share but not more than one hundred and fifty dollars per share;
  - (d) Three cents for every share of stock sold or transferred at a price over fifty dollars per share but not more than seventy-five dollars per share;
  - (e) Two cents for every share of stock sold or transferred at a price over twenty-five dollars per share but not more than fifty dollars per share;
  - (f) One cent for every share of stock sold or transferred at a price over five dollars per share but not more than twenty-five dollars per share;
  - (g) One-quarter of one cent for every share of stock sold or transferred at a price of one dollar to five dollars per share, but not more than five dollars per share;
  - (h) One-tenth of one per cent. of the value of every share of stock sold or transferred at a price less than one dollar per share.
- (2) Except as hereinafter provided, if a change of ownership otherwise than by sale is effected, of any share of stock, such change of ownership shall be subject to the tax imposed by this section, computed on the basis of the current market price of the aforesaid share of stock.
  - (3) In any case where a current market price has not been established by recent sales, or where it is difficult to ascertain the value of the shares of stock, the Treasurer may fix a price which shall be the price on which the tax shall be paid.
  - (4) The said tax shall be payable in tax stamps by the vendor, transferor or assignor, and the Lieutenant-Governor in Council may make regulations prescribing in any case or class of cases the manner in which and the persons by whom the amount of such tax shall be computed and collected for and on behalf of His Majesty.
  - (5) The following transactions shall not be subject to the tax imposed by this section:

- (a) The sale, transfer or assignment of any bond, debenture or share of debenture stock of the Dominion of Canada or of any province of Canada;
- (b) The assignment of the allotment of the shares of any association, company or corporation or of the right to receive when issued the unallotted shares of any association, company or corporation;
- (c) The allotment by any association, company or corporation of its shares in order to effect an issue thereof and the first issue of a bond, debenture or share of debenture stock.

Records  
to be kept.

- (6) Every person liable under this section or under regulations made hereunder to collect or pay the tax imposed by this section, shall keep records and books of account at his place of business in Ontario, adequate for the purposes and such records and books of account shall be open at all reasonable times to the inspection of the officers or other persons authorized by the Treasurer to inspect the same.

Inspection  
of records.

- (7) Any person who in any way prevents or attempts to prevent any such officer or other person from having access to or inspecting any such records and books of account, and any person who being liable to keep such records and books of account, refuses to produce the same for inspection, shall be liable on summary conviction to a penalty of not less than five hundred dollars and not exceeding five thousand dollars.

Assessment  
of tax when  
records not  
adequate.

- (8) If any person liable to maintain records and books of account for the purposes of this section has, in the opinion of the Treasurer, failed to maintain adequate records and books of account, the Treasurer may assess the tax payable by such person under this section and the taxes so assessed shall be deemed to be due and payable forthwith.

Regulations.

- (9) The Lieutenant-Governor in Council may make regulations for the purpose of determining what constitutes a sale, transfer or assignment under this section.

Penalty.

- (10) Any person who, being thereto liable, neglects or refuses to pay the tax imposed by this section, or who violates any of the provisions of this section for

which no other penalty is provided, or of any regulations made thereunder, shall be liable upon summary conviction to a penalty not exceeding five hundred dollars.

4. Subsections 2 and 3 of section 13 of *The Corporations Tax Act* are repealed and the following substituted therefor: Rev. Stat., c. 29, s. 13, subs. 2 re-enacted; subs. 3, repealed.
- (2) Such return shall be verified by the affidavit of the president of the corporation or in his absence by a director thereof. Verification of returns.

5. This Act shall come into force on the 1st day of June, 1933. Commencement of Act.





BILL

An Act to amend The Corporations  
Tax Act.

*1st Reading*

March 28th, 1933

*2nd Reading*

April 3rd, 1933

*3rd Reading*

April 10th, 1933

MR. HENRY (York East)

No. 119

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

---

## BILL

An Act to amend the Act of incorporation of the Town of Kapuskasing.

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MR. FINLAYSON

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TORONTO  
PRINTED BY HERBERT H. BALL  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

An Act to amend the Act of incorporation of the  
Town of Kapuskasing.

**H**IS MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:

Short title.      **1.** This Act may be cited as *The Town of Kapuskasing Act, 1933*.

1921, c. 36,  
s. 2,  
amended.

**2.**—(1) Section 2 of the Act incorporating the town of Kapuskasing, as amended by section 20 of *The Statute Law Amendment Act, 1928* and by section 34 of *The Statute Law Amendment Act, 1932* is further amended by adding thereto the following words:

Lands  
included  
in towns.

“and the said town of Kapuskasing shall also comprise and consist of the following road allowances, namely, the original road allowance between concessions 12 and 13 in front of lot 20; the original road allowance between concessions 14 and 15 in front of lots 20, 21, 22 and 23; the original road allowance lying south of the limit of the Canadian National Railway right-of-way, and lands across lot 20; the original road allowance along the north limit of the Canadian National Railway right-of-way and lands across lots 20, 21 and 22; and the original road allowance along the easterly side of the Kapuskasing river across concessions 14 and 15.”

1921, c. 36,  
s. 2,  
amended.

(2) The said section 2 is further amended by adding thereto the following subsection:

Rights of  
Spruce Falls  
Power and  
Paper Com-  
pany,  
Limited,  
preserved.

(2) The said road allowance along the easterly side of the Kapuskasing river across concessions 14 and 15 shall be subject nevertheless to the rights of Spruce Falls Power and Paper Company, Limited, under a certain license of occupation issued over the signature of the



#### EXPLANATORY NOTE

To round out the boundaries of the town it is necessary to add those parts of the road allowances running between lots in the town which were not opened at the time the town of Kapuskasing was incorporated.

Minister of Lands and Forests of the province of Ontario, bearing date 18th March, 1933, and registered in the Department of Lands and Forests, the said license covering a portion of the original road allowance along the shore of the Kapuskasing river lying in front of lots 22 and 23 in the 14th concession of the township of O'Brien, as shown on a plan tinted brown, prepared by H. W. Sutcliffe, Ontario land surveyor, dated January 25th, 1932, attached to and forming part of said license of occupation.

Commence-  
ment of Act.     3. This Act shall come into force on the day upon which  
it receives the Royal Assent.







BILL

An Act to amend the Act of incorporation  
of the Town of Kapuskasing.

---

*1st Reading*

March 28th, 1933

*2nd Reading*

*3rd Reading*

---

MR. FINLAYSON

---

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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## BILL

An Act to amend the Act of incorporation of the Town of Kapuskasing.

---

MR. FINLAYSON

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No. 119

1933

# BILL

An Act to amend the Act of incorporation of the  
Town of Kapuskasing.

**H**IS MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:

Short title.      **1.** This Act may be cited as *The Town of Kapuskasing Act, 1933*.

1921, c. 36,  
s. 2,  
amended.

**2.**—(1) Section 2 of the Act incorporating the town of Kapuskasing, as amended by section 20 of *The Statute Law Amendment Act, 1928* and by section 34 of *The Statute Law Amendment Act, 1932* is further amended by adding thereto the following words:

Lands  
included  
in towns.

“and the said town of Kapuskasing shall also comprise and consist of the following road allowances, namely, the original road allowance between concessions 12 and 13 in front of lot 20; the original road allowance between concessions 14 and 15 in front of lots 20, 21, 22 and 23; the original road allowance lying south of the limit of the Canadian National Railway right-of-way, and lands across lot 20; the original road allowance along the north limit of the Canadian National Railway right-of-way and lands across lots 20, 21 and 22; and the original road allowance along the easterly side of the Kapuskasing river across concessions 14 and 15.”

1921, c. 36,  
s. 2,  
amended.

(2) The said section 2 is further amended by adding thereto the following subsection:

Rights of  
Spruce Falls  
Power and  
Paper Com-  
pany,  
Limited,  
preserved.

(2) The said road allowance along the easterly side of the Kapuskasing river across concessions 14 and 15 shall be subject nevertheless to the rights of Spruce Falls Power and Paper Company, Limited, under a certain license of occupation issued over the signature of the



Minister of Lands and Forests of the province of Ontario, bearing date 18th March, 1933, and registered in the Department of Lands and Forests, the said license covering a portion of the original road allowance along the shore of the Kapuskasing river lying in front of lots 22 and 23 in the 14th concession of the township of O'Brien, as shown on a plan tinted brown, prepared by H. W. Sutcliffe, Ontario land surveyor, dated January 25th, 1932, attached to and forming part of said license of occupation.

**3.** This Act shall come into force on the day upon which Commence-  
ment of Act. it receives the Royal Assent.

---

BILL

An Act to amend the Act of incorporation  
of the Town of Kapuskasing.

---

*1st Reading*

March 28th, 1933

*2nd Reading*

April 10th, 1933

*3rd Reading*

April 13th, 1933

---

MR. FINLAYSON

---

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

---

# BILL

An Act to amend The Workmen's Compensation Act.

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MR. PRICE (Parkdale)

---

No. 120

1933

# BILL

## An Act to amend The Workmen's Compensation Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Workmen's Compensation Act, 1933*.

Rev. Stat.  
c. 179, s. 83,  
subs. 6  
(1932, c. 21,  
s. 5),  
repealed.

**2.** Subsection 6 of section 83 of *The Workmen's Compensation Act*, as enacted by section 5 of *The Workmen's Compensation Act, 1932*, is repealed and the following substituted therefor:

Merit  
system.

(6) Where in the opinion of the Board, the ways, works, machinery and appliances in any industry conform to modern standards in such manner as to reduce the hazard of accidents to a minimum and the Board is convinced that all proper precautions are being taken by the employer for the prevention of accidents, and where the accident record of the employer has in fact been consistently good, the Board may reduce the amount of any contribution to the accident fund for which such employer is liable.

Rev. Stat.  
c. 179, s. 96,  
amended.

**3.** Section 96 of *The Workmen's Compensation Act* as amended by section 7 of *The Workmen's Compensation Act, 1932* is further amended by adding thereto the following subsection:

Merit  
rating in  
making  
annual  
assessment.

(3) A system of merit rating may, if deemed proper, be adopted.

Commence-  
ment of Act.

**4.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTES

Subsection 4 of section 83 gives the Board authority to increase the assessment in any particular case when a greater number of accidents had happened in the particular industry than would have happened if proper precautions had been taken for the prevention of accidents.

Mr. Justice Middleton on page 16 of his report as Commissioner under the heading of "Merit Rating," suggested that a converse power should be given the Board authorizing a reduced assessment where it is shown that any particular industry has a good record.

In view of this, subsection 6 of section 83 was added in 1932. This amending subsection provided for a reduction of rate on the basis of the modernity, adequacy and efficiency of the precautions taken for the prevention of accidents regardless of what the actual accident record has been. This did not carry out the Commissioner's recommendation.

Section 2 of the present Bill re-enacts subsection 6 to make it clear that the basis on which the rate may be reduced by the Board is "good accident record" as well as the taking of special precautions.

Section 3 re-enacts subsection 3 of section 96 which was repealed in 1932, so as to allow the system of merit rating to be continued.

BILL

An Act to amend The Workmen's  
Compensation Act.

---

*1st Reading*

March 29th, 1933

*2nd Reading*

*3rd Reading*

---

MR. PRICE (Parkdale)

---

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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---

# BILL

An Act to amend The Workmen's Compensation Act.

---

MR. PRICE (Parkdale)

---

No. 120

1933

# BILL

## An Act to amend The Workmen's Compensation Act.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Workmen's Compensation Act, 1933*.

Rev. Stat.  
c. 179, s. 83,  
subs. 6  
(1932, c. 21,  
s. 5),  
re-enacted.

2. Subsection 6 of section 83 of *The Workmen's Compensation Act*, as enacted by section 5 of *The Workmen's Compensation Act, 1932*, is repealed and the following substituted therefor:

Merit  
system.

(6) Where in the opinion of the Board, the ways, works, machinery and appliances in any industry conform to modern standards in such manner as to reduce the hazard of accidents to a minimum and the Board is convinced that all proper precautions are being taken by the employer for the prevention of accidents, and where the accident record of the employer has in fact been consistently good, the Board may reduce the amount of any contribution to the accident fund for which such employer is liable.

Rev. Stat.  
c. 179, s. 96,  
amended.

3. Section 96 of *The Workmen's Compensation Act* as amended by section 7 of *The Workmen's Compensation Act, 1932* is further amended by adding thereto the following subsection:

Merit  
rating in  
making  
annual  
assessment.

(3) A system of merit rating may, if deemed proper, be adopted.

Rev. Stat.,  
c. 179, s. 113,  
subs. 9,  
(1928, c. 26,  
s. 5),  
amended.

4.—(1) Subsection 9 of section 113 of *The Workmen's Compensation Act*, and subsection 9a of the said section as enacted by section 5 of *The Workmen's Compensation Act, 1928*, are repealed and the following substituted therefor:

Interpre-  
tation.

(9) For the purposes of this Act and notwithstanding anything to the contrary therein contained—



- (a) "Silicosis" shall mean a fibrotic condition of the lungs caused by the inhalation of silica dust sufficient to produce a lessened capacity for work; "Silicosis"
- (b) "Tuberculosis" shall mean tuberculosis of the lungs when on examination of any person "Tuberculosis."
- (i) Tubercule bacillus is found in the sputum of such person,
- (ii) Such person has active tuberculosis, shown by clinical and physical findings, to such a degree as to seriously impair his capacity for work.
- (9a) Any workman disabled from uncomplicated silicosis shall be compensated as for other industrial diseases under this Act, but where a workman is disabled from silicosis complicated with tuberculosis, he shall be entitled to be compensated for total or partial disability on a basis for total disability of 50 per centum of his average earnings, as fixed by this Act. Compensation for uncomplicated and complicated silicosis.
- (9b) Any workman who has heretofore ceased or may hereafter cease to be usually and regularly employed in an industry under this Act in which he was exposed to silica dust, shall make and establish his claim for disability therefrom within two years from the date of leaving such employment, or six months after the passing of this Act, whichever period is longer, or his claim shall be completely barred, but this provision shall not prevent allowance by the Board of any case due to uncomplicated silicosis which the Board consider should in justice be allowed. Limitation of time for making claim.
- (9c) All claims for compensation for exposure to silica dust, which are outstanding at the time when this subsection comes into force and not already determined by the Board, by reason of the death, from causes other than silicosis, or the disappearance or default of the workman, shall be deemed to be closed after the expiration of two years from the date of filing of such claim with the Board, or within six months of the time of this subsection coming into force, whichever is the longer period, unless sooner determined by the Board, and any assessment made or outstanding in respect of such undetermined claim, shall then be cancelled. Limitation of time for disposing of outstanding claims by reason of death, etc.

Rev. Stat.,  
c. 179, s. 113,  
subs. 9b  
(1928, c. 26,  
s. 5), re-  
numbered.

(2) Subsection 9b of said section 113 as enacted by section 5 of *The Workmen's Compensation Act, 1928*, is renumbered as subsection 9d.

Rev. Stat.  
c. 179, s. 113  
amended.

(3) The said section 113 [is further amended by adding thereto the following subsection:

Extension of  
section to  
pneumocon-  
iosis, etc.

(12) The provisions of this section relating to silicosis shall apply also to pneumoconiosis and stone worker's or grinder's phthisis contracted during the course of employment in any of the processes in which pneumoconiosis and stone worker's or grinder's phthisis is compensable as set forth in Schedule 3.

Commence-  
ment of Act.

5. The provisions of this Act, other than subsection 3 of section 4, shall come into force on the day upon which it receives the Royal Assent. Subsection 3 of section 4 shall come into force on a day to be named by the Lieutenant-Governor by his proclamation.







BILL

An Act to amend The Workmen's  
Compensation Act.

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*1st Reading*

March 29th, 1933

*2nd Reading*

March 31st, 1933

*3rd Reading*

April 13th, 1933

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MR. PRICE (Parkdale)

---

No. 121

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Workmen's Compensation Act.

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MR. NIXON

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TORONTO  
PRINTED BY HERBERT H. BALL  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 121

1933

# BILL

## An Act to amend The Workmen's Compensation Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      1. This Act may be cited as *The Workmen's Compensation Act, 1933*.

Rev. Stat. c. 179, s. 66, subs. 3 (1932, c. 21, s. 3), repealed.      2. Subsection 3 of section 66 of *The Workmen's Compensation Act* as enacted by section 3 of *The Workmen's Compensation Act, 1932*, which reads as follows:

Superannuation fund.

- (3) The Board, with the approval of the Lieutenant-Governor in Council, may establish and maintain a fund, or enter into arrangements with a duly licensed insurance company or insurance companies for the payment of superannuation allowances or allowances upon the death or disability of its employees, and may make regulations providing for contributions to the fund by the Board and by its employees, and for the terms and conditions upon which any superannuation or other allowance shall be payable and the persons to whom the same may be paid and the costs of maintaining and administering the same shall be deemed part of the cost of the administration of the Board and shall be chargeable to the accident fund.

is repealed.

Rev. Stat. c. 179, s. 59 (1928, c. 26, s. 3), re-enacted.      3. Section 59 of *The Workmen's Compensation Act* as enacted by section 3 of *The Workmen's Compensation Act, 1928* and which reads as follows:

Salaries of Commissioners.

59. The salaries of the commissioners shall be fixed by the Lieutenant-Governor in Council and shall be payable out of the accident fund as part of the administration expenses of the Board.

is repealed and the following substituted therefor:



#### EXPLANATORY NOTES

Section 2. In 1932 a subsection 3 was added to section 66 of *The Workmen's Compensation Act* permitting the Board to establish a superannuation fund for its employees with power to provide part of the necessary moneys for such fund out of the Accident Fund set up by the Board.

As the Accident Fund is established to pay compensation claims to workmen and their dependants, objection has been made to the use thereof for superannuation of the Board's employees, and therefore this Bill is introduced to repeal this section passed last year. No superannuation fund has yet been established.

Section 3. Since 1928 the salaries of the Workmen's Compensation Board have been fixed by Order in Council at \$14,000 for Chairman, \$9,000 for Vice-Chairman and \$8,000 for the commissioner. This amendment restores the fixing by statute of the salaries and the amounts suggested are below those which have been fixed by Order in Council.

Salaries of  
Commis-  
sioners.

59. The salary of the Chairman shall be \$7,000 per annum, the salary of the Vice-Chairman shall be \$6,000 per annum and the salary of the other commissioner shall be \$5,500 per annum and these salaries shall be payable out of the accident fund as part of the administration expenses of the Board.

Commence-  
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.







BILL

An Act to amend The Workmen's  
Compensation Act.

*1st Reading*

March 29th, 1933

*2nd Reading*

*3rd Reading*

MR. NIXON

No. 122

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Public Hospitals Act.

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MR. ROBB

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TORONTO  
PRINTED BY HERBERT H. BALL  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 122

1933

# BILL

## An Act to amend The Public Hospitals Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Public Hospitals Act, 1933*.

1931, c. 78,  
s. 17  
repealed.      **2.** Section 17 of *The Public Hospitals Act, 1931*, is repealed.

1931, c. 78,  
s. 18, subs. 1  
amended.      **3.** Subsection 1 of section 18 of *The Public Hospitals Act* is repealed and the following substituted therefor:

Municipal  
liability for  
indigents in  
hospitals  
and hospitals  
for  
incurables.

(1) Subject as in this Act may otherwise be provided, when any patient in a hospital other than a hospital for incurables is an indigent person or a dependant of an indigent person, that municipality in which such person was a resident at the time of admission shall be liable to the hospital for payment of the charges for treatment of such patient at a rate not exceeding \$1.75 per day; and when any patient in a hospital for incurables is certified in accordance with the regulations to be an incurable person, that municipality in which such person was a resident at the time of admission shall be liable to the hospital for incurables for payment of the charges for treatment of such patient at a rate not exceeding \$1.50 per day.

1931, c. 78,  
s. 29  
amended.      **4.** Section 29 of *The Public Hospitals Act, 1931*, is amended by striking out the figures "90" in the seventh line and inserting in lieu thereof the figures "60," so that the section shall now read as follows:

Babies  
born in  
hospital.

**29.** When a baby is born in a hospital it shall for the purposes of this Act be deemed to be a patient and if the baby of an indigent person shall be deemed to be a resident in that municipality in which such indigent person is a resident; and the municipality shall be liable for the treatment of a baby as the



#### EXPLANATORY NOTES

Section 2. This repeals section 17 and the powers heretofore provided by this section will be provided in Regulations made under *The Health Act*.

Section 3. This re-enactment reduces municipal liability for incurables in hospitals from \$1.75 per day to \$1.50 per day.

Section 4. This changes the municipal liability for babies born in hospitals from 90 cents to 60 cents per day.

dependant of an indigent person at a rate of 60 cents per day for a period not exceeding fourteen days after the birth of such baby.

1931, c. 78, s. 34 amended. **5.** Section 34 of *The Public Hospitals Act, 1931*, is amended by adding the following subsection:

Provincial aid.

- (3) The Lieutenant-Governor in Council may at any time make such deductions from any moneys payable under the provisions of subsection 1 by way of provincial aid to any hospital as may be deemed necessary.

1931, c. 78, s. 35 repealed. **6.** Section 35 of *The Public Hospitals Act, 1931*, is repealed and the following substituted therefor:

Limitation as to patients subject to aid.

35. Except as otherwise provided in this Act, no provincial aid shall be granted to any hospital in respect of a patient therein if the charges received by the hospital in respect to such patient exceed, in the case of a hospital for incurables \$1.50 a day, and in all other hospitals \$1.75 per day from all sources other than provincial aid.

Commencement of Act. **7.** This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect from and after the 1st day of April, 1933.

Section 5. This empowers the Lieutenant-Governor in Council to make deductions from the statutory amounts payable under section 34, to hospitals for provincial aid.

Section 6. This section of the 1931 Act provided that no provincial aid should be granted to any hospital where such hospital received in respect of a patient a sum exceeding \$1.75 per day from all sources other than provincial aid. This section reduces the amount from \$1.75 to \$1.50 per day in the case of hospitals for incurables, but leaves the \$1.75 rate per day applicable to all other hospitals.





BILL

An Act to amend The Public  
Hospitals Act.

---

*1st Reading*

March 29th, 1933

*2nd Reading*

*3rd Reading*

---

MR. ROBB

---

No. 122

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Public Hospitals Act.

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MR. ROBB

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# BILL

An Act to amend The Public Hospitals Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Public Hospitals Act, 1933*.

1931, c. 78, s. 17 repealed.      **2.** Section 17 of *The Public Hospitals Act, 1931*, is repealed.

1931, c. 78, s. 18, subs. 1; re-enacted.      **3.** Subsection 1 of section 18 of *The Public Hospitals Act* is repealed and the following substituted therefor:

Municipal liability for indigents in hospitals and hospitals for incurables.

- (1) Subject as in this Act may otherwise be provided, when any patient in a hospital other than a hospital for incurables is an indigent person or a dependant of an indigent person, that municipality in which such person was a resident at the time of admission shall be liable to the hospital for payment of the charges for treatment of such patient at a rate not exceeding \$1.75 per day; and when any patient in a hospital for incurables is certified in accordance with the regulations to be an incurable person, that municipality in which such person was a resident at the time of admission shall be liable to the hospital for incurables for payment of the charges for treatment of such patient at a rate not exceeding \$1.50 per day.

1931, c. 78, s. 29 amended.      **4.** Section 29 of *The Public Hospitals Act, 1931*, is amended by striking out the figures "90" in the seventh line and inserting in lieu thereof the figures "60," so that the section shall now read as follows:

Babies born in hospital.

- 29.** When a baby is born in a hospital it shall for the purposes of this Act be deemed to be a patient and if the baby of an indigent person shall be deemed to be a resident in that municipality in which such indigent person is a resident; and the municipality shall be liable for the treatment of a baby as the



dependant of an indigent person at a rate of 60 cents per day for a period not exceeding fourteen days after the birth of such baby.

5. Section 34 of *The Public Hospitals Act, 1931*, is amended by adding the following subsection: 1931, c. 78,  
s. 34  
amended.

- (3) The Lieutenant-Governor in Council may at any time make such deductions from any moneys payable under the provisions of subsection 1 by way of provincial aid to any hospital as may be deemed necessary. Provincial  
aid.

6. Section 35 of *The Public Hospitals Act, 1931*, is repealed and the following substituted therefor: 1931, c. 78,  
s. 35  
re-enacted.

35. Except as otherwise provided in this Act, no provincial aid shall be granted to any hospital in respect of a patient therein if the charges received by the hospital in respect to such patient exceed, in the case of a hospital for incurables \$1.50 a day, and in all other hospitals \$1.75 per day from all sources other than provincial aid. Limitation  
as to  
patients  
subject  
to aid.

7. This Act shall come into force on the day upon which it receives the Royal Assent. Commence-  
ment of Act.

BILL

An Act to amend The Public  
Hospitals Act.

---

*1st Reading*

March 29th, 1933

*2nd Reading*

April 3rd, 1933

*3rd Reading*

April 10th, 1933

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MR. ROBB

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No. 123

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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## BILL

An Act to amend The Sanatoria for Consumptives Act, 1931.

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MR. ROBB

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TORONTO  
PRINTED BY HERBERT H. BALL  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 123

1933

# BILL

## An Act to amend The Sanatoria for Consumptives Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Sanatoria for Consumptives Act, 1933*.

1931, c. 76,  
s. 51  
amended.

**2.** Section 51 of *The Sanatoria for Consumptives Act, 1931*, as amended by subsection 1 of section 38 of *The Statute Law Amendment Act, 1932* is further amended by adding thereto the following subsection:

Deductions  
from  
Provincial  
aid.

(4) The Lieutenant-Governor in Council may at any time make such deductions from any moneys payable under the provisions of subsection 1, by way of provincial aid to any Sanatorium, as may be deemed necessary.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect from and after the 1st day of April, 1933.

#### EXPLANATORY NOTE

Section 2 empowers the Lieutenant-Governor in Council to make deductions from any statutory amount due to any Sanatorium for provincial aid as may be deemed necessary.

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BILL

An Act to amend The Sanatoria for  
Consumptives Act.

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*1st Reading*

March 29th, 1933

*2nd Reading*

*3rd Reading*

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MR. ROBB

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No. 123

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act to amend The Sanatoria for Consumptives Act, 1931.

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MR. ROBB

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TORONTO  
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No. 123

1933

# BILL

## An Act to amend The Sanatoria for Consumptives Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Sanatoria for Consumptives Act, 1933*.

1931, c. 76,  
s. 51  
amended.

**2.** Section 51 of *The Sanatoria for Consumptives Act, 1931*, as amended by subsection 1 of section 38 of *The Statute Law Amendment Act, 1932* is further amended by adding thereto the following subsection:

Deductions  
from  
provincial  
aid.

(4) The Lieutenant-Governor in Council may at any time make such deductions from any moneys payable under the provisions of subsection 1, by way of provincial aid to any sanatorium, as may be deemed necessary.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.





BILL

An Act to amend The Sanatoria for  
Consumptives Act.

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*1st Reading*

March 29th, 1933

*2nd Reading*

April 3rd, 1933

*3rd Reading*

April 10th, 1933

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MR. ROBB

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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

The School Law Amendment Act, 1933.

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MR. HENRY (York East)

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No. 124

1933

# BILL

## The School Law Amendment Act, 1933.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The School Law Amendment Act, 1933*.

Rev. Stat.  
c. 322, s. 4,  
cl. f,  
re-enacted.      **2.** Clause *f* of section 4 of *The Department of Education Act* is repealed and the following substituted therefor:

Medical  
and dental  
inspection.

(*f*) for the medical and dental inspection of pupils in public and separate schools where provision for such inspection was inaugurated by the boards of such schools prior to the 31st day of July, 1924, provided the regulations therefor are first approved by the Minister of Health.

Rev. Stat.  
c. 322, s. 5,  
subs. 1, cl. *k*  
repealed.      **3.**—(1) Clause *k* of subsection 1 of section 5 of *The Department of Education Act* is repealed.

Rev. Stat.  
c. 322, s. 5,  
subs. 1, cl. *s*  
amended.

(2) Clause *s* of subsection 1 of the said section 5 is amended by striking out the words "in rural public and separate schools and in public and separate schools in the territory without county organization" in the third, fourth and fifth lines and inserting in lieu thereof the words "in public and separate schools" so that the said clause shall now read as follows:

Grants for  
medical and  
dental  
inspection.

(*s*) to apportion and pay out of such moneys as may be voted for that purpose, grants for medical and dental inspection in public and separate schools.

Agree-  
ments,—  
cancellation  
and  
renewal.

**4.** Notwithstanding the provisions of any agreement heretofore made and now subsisting between the Minister of Education or the Department of Education and any board of education, high school board or continuation, public or separate school board relating to the training of students of the College of Education or of a normal school, or that the

#### EXPLANATORY NOTES

Sections 2, 3: Owing to the transfer to the Department of Health of general jurisdiction with regard to medical and dental inspection in schools it is necessary to limit the powers of the Department of Education which had charge of such inspection prior to July, 1924.

Section 4 gives the Minister authority to make new agreements with boards of education for classes in connection with the normal schools and the Ontario College of Education.

term or period of operation of any such agreement will not have expired on the 30th day of June, 1933, the Minister of Education on one month's notice in writing to the board with which any such agreement is made, may cancel the same and may enter into such new agreement with the board in relation to the said matters as he may from time to time see fit.

Rev. Stat.  
c. 323, s. 6,  
subs. 1  
amended.

5. Subsection 1 of section 6 of *The Public Schools Act* is amended by adding at the end thereof the words "provided that where the 1st day of September is a Friday the schools shall not be opened until the following Tuesday," so that the said subsection shall now read as follows:

Terms.

- (1) The school year shall consist of two terms, the first of which shall begin on the 1st day of September and shall end on the 22nd day of December, and the second of which shall begin on the 3rd day of January and end on the 29th day of June, provided that where the 1st day of September is a Friday the schools shall not be opened until the following Tuesday.

Rev. Stat.  
c. 323, s. 15  
amended.

6. Section 15 of *The Public Schools Act* is amended by adding thereto the following subsection:

First meet-  
ing of board.

- (9) The provisions of subsection 1 of section 82 shall apply as to the first meeting in each year of every board elected pursuant to the provisions of this section.

Rev. Stat.  
c. 323, s. 41,  
subs. 1 and 3  
amended.

7. Subsections 1 and 3 of section 41 of *The Public Schools Act* are amended by adding at the commencement of each of the said subsections the words "subject to the approval of the Minister."

Rev. Stat.  
c. 323, s. 46,  
subs. 7  
amended.

8. Subsection 7 of section 46 of *The Public Schools Act* is amended by adding after the word "applicable" in the sixth line the words "to purchase by the municipality and" and by adding at the end of the said subsection the words "and the board may in such cases exercise the powers of purchase conferred upon a municipality," so that the said subsection shall now read as follows:

Sale of  
land for  
arrears.

- (7) When it appears from the entries in the book kept by the sheriff that any school rate is in arrear for three years from the 31st day of December in the year in which the same became payable the sheriff shall proceed to collect the same by the sale of the lands assessed, and the procedure in relation to such sale and the provisions applicable to purchase by

Section 5 provides for opening the schools the day following Labour Day when September 1st falls on the Friday preceding Labour Day.

Section 6 makes the provisions for the first meeting of urban school boards applicable to township school areas.

Section 7 makes the formation of school sections in unorganized townships contingent on the Minister's approval.

Section 8 legalizes the present practice in the northern districts of boards exercising the powers of purchase conferred upon municipalities in respect to sales of lands for arrears of taxes.

the municipality and to the redemption of lands thereafter and to deeds to be given by the sheriff to tax purchasers shall be the same as nearly as may be as in the case of the sale of lands for arrears of taxes in organized municipalities and the board may in such cases exercise the powers of purchase conferred upon a municipality.

Rev. Stat.  
c. 323, s. 78,  
subs. 1  
amended.

9.—(1) Subsection 1 of section 78 of *The Public Schools Act* is amended by adding after the word "trustee" in the first line the words "of a rural school section," so that the said subsection shall now read as follows:

Vacancy in  
office of  
trustee.

- (1) Where the office of trustee of a rural school section becomes vacant from any cause, the remaining trustees shall, except as provided in subsection 2, forthwith hold a new election to fill such vacancy in the manner provided for holding the annual election of trustees, and the person elected shall hold office for the remainder of the term for which his predecessor was elected.

Rev. Stat.  
c. 323, s. 78,  
subs. 2  
re-enacted.

(2) Subsection 2 of the said section 78 is repealed and the following substituted therefor:

Vacancy in  
urban  
board.

- (2) Subject to the provisions of subsection 2a, where the office of a trustee of an urban school board becomes vacant from any cause, a majority of the remaining trustees present shall, at the first regular meeting after the vacancy occurs, elect some duly qualified person to fill the vacancy, and the person so elected shall hold office for the remainder of the term for which his predecessor was elected, and in the case of an equality of votes the chairman of such meeting shall have a second or casting vote.

Rev. Stat.  
c. 323, s. 78  
amended.

(3) The said section 78 is further amended by adding thereto the following subsection:

Vacancy  
within  
one month  
of annual  
election.

- (2a) In the case of an urban school board, any vacancy which occurs within one month of the time for the next ensuing annual election shall not be filled in the manner provided by subsection 2 but the office shall remain vacant until the annual election and if the term of the vacant office then expires a new trustee shall be elected, or if the term of the vacant office does not then expire, some duly qualified person shall be elected at such annual election to fill the vacancy for the unexpired term of office for which his predecessor was elected.



Section 9.—(1) This amendment is to avoid confusing the provisions of subsections 1 and 2.

(2) To avoid the expense of an election.

(3) To leave a vacancy on an urban board unfilled if it occurs within one month of the next annual election.

Rev. Stat.  
c. 323, s. 83,  
subs. 1  
amended.

**10.** Subsection 1 of section 83 of *The Public Schools Act* as amended by section 11 of *The School Law Amendment Act, 1932*, is further amended by inserting after the word "provisions" in the first line the words "of subsection 9 of section 15 and," and by striking out the word "on" in the third line and inserting in lieu thereof the words "not later than," so that the said subsection shall now read as follows:

Organiza-  
tion of  
board at  
first  
meeting.

- (1) Subject to the provisions of subsection 9 of section 15 and of subsection 5 of section 66, every rural school board shall hold its first meeting in each year at the school house of the section not later than the Wednesday following the annual meeting at the hour of four o'clock in the afternoon, and shall be organized by the election of a chairman, a secretary and a treasurer or a secretary-treasurer.

Rev. Stat.  
c. 323, s. 86  
amended.

**11.—(1)** Section 86 of *The Public Schools Act* is amended by adding thereto the following as subsection 1 thereof:

When  
school may  
be closed.

- (1) Where in any rural school section there are for two consecutive years less than eight persons between the ages of five and fourteen years residing therein, the Minister may direct that the public school of such section shall no longer remain open, and the same shall thereupon be closed until the Minister otherwise directs.

Rev. Stat.  
c. 323, s. 86,  
subs. 1  
amended.

**(2)** Subsection 1 of section 86 of *The Public Schools Act* is renumbered as subsection 2 thereof and is amended by striking out the words "The electors of a rural section may by resolution at the annual or any special meeting authorize the board to provide" in the first, second and third lines and inserting in lieu thereof the words "The board of a rural section may provide," so that the said subsection as renumbered shall now read as follows:

Admission  
of pupils  
from rural  
school  
section to  
urban or  
Indian  
schools.

- (2) The board of a rural section may provide for the admission of the pupils of such section to the schools of any adjoining urban municipality or school section, or to an Indian school under the supervision of a public school inspector, subject to the approval of the Minister and of the board of such urban municipality or school section or authority having control of the Indian school, and the accommodation provided under such arrangement shall be taken in lieu of the accommodation which the board is required by this Act to make for the pupils of the section, and as a public school within the meaning of sections 108 and 109.

Section 10 legalizes the common practice of holding the organization meetings of boards on days other than the first Wednesday following the annual meeting.

Section 11.—(1). The object of this amendment is to provide for the closing of small schools and the making of arrangements for the accommodation of pupils in adjoining school sections.

(2) This amendment gives the board, rather than the electors the power, under the Minister, to close the school temporarily and transfer the pupils to a school in an adjoining section.

Rev. Stat.  
c. 323, s. 86,  
subs. 2, 3  
and 4  
re-numbered.

(3) Subsections 2, 3 and 4 of the said section 86 are renumbered as subsections 3, 4 and 5 hereof respectively.

Rev. Stat.  
c. 323, s. 88,  
amended.

**12.**—(1) Section 88 of *The Public Schools Act* is amended by striking out the words “It shall be the duty of the boards of all public schools and they shall have power,—” at the commencement of the said section, and inserting in lieu thereof the words “It shall be the duty of the boards of all public schools to see that the same are conducted according to this Act and the regulations,—.”

Rev. Stat.  
c. 323, s. 88,  
cl. *j*  
re-enacted.

(2) Clause *j* of the said section 88 is repealed and the following substituted therefor:

- (*j*) , to provide and pay for such medical and dental inspection of pupils as the regulations may prescribe, but only where provision for such medical and dental inspection was inaugurated by the board prior to the 31st day of July, 1924.

Rev. Stat.  
c. 323, s. 88,  
cl. *k*  
re-enacted.

(3) Clause *k* of the said section 88 is repealed and the following substituted therefor:

- Agreement  
for medical  
and dental  
inspection.
- (*k*) to enter into an agreement with the local board of health of the municipality to provide medical and dental inspection of pupils as authorized by *The Public Health Act*, as the board may deem proper.

Rev. Stat.  
c. 323, s. 88,  
cl. *p*  
re-enacted.

(4) Clause *p* of the said section 88 is repealed and the following substituted therefor:

- Estimates  
to be  
submitted  
to council.
- (*p*) to prepare and submit to the municipal council on or before such time as the council may prescribe estimates for the current year of all sums required to be provided to meet expenditures for the schools under their charge, and such estimates shall show the amount of any surplus or deficit remaining at the end of the preceding year and any revenues estimated to be derived by the board during the current year from all sources.

Rev. Stat.  
c. 323, s. 90,  
subs. 1  
amended.

**13.** Subsection 1 of section 90 of *The Public Schools Act* is amended by striking out the words “gymnastics and other” in the third line, so that the said subsection shall now read as follows:

- Grant for  
encourage-  
ment of  
physical  
training.
- (1) An urban board may expend such sums as it may deem expedient for establishing and maintaining cadet corps and in promoting and encouraging athletic exercises but such sums shall not exceed

(3) Self-explanatory.

Section 12.—(1) This is merely a statement of what has always been the duty of the boards and it is desirable it be expressly provided for in the Act.

(2), (3) The object of these amendments is to conform with the arrangement made for the transfer to the Department of Health of control of medical and dental inspection in schools where the system has been inaugurated since July, 1924.

(4) This makes it compulsory for boards to give details of their finances to the municipal bodies from which they may collect funds for maintenance, etc.

Section 13: The purpose of this amendment is to avoid conflict between section 90 and the powers of the boards regarding provision for physical training under clause *dd* of section 88.

\$200 per annum when the annual registered attendance of pupils does not exceed three thousand and \$50 additional for each additional thousand in attendance.

Rev. Stat.,  
c. 323, s. 91,  
amended.

14. Section 91 of *The Public Schools Act* is amended by adding thereto the words "and the board may make grants to the Ontario Educational Association or other like associations in Ontario," so that the said section shall now read as follows:

Teachers'  
associations.

91. The board may pay the travelling expenses of any member of the board or of any teacher in the employment of the board incurred in attending meetings of the Ontario Educational Association or other like association of teachers or trustees in Ontario and the board may make grants to the Ontario Educational Association or other like associations in Ontario.

Rev. Stat.  
c. 323, s. 107  
amended.

15. Section 107 of *The Public Schools Act* is amended by adding thereto the following subsection:

Legislative  
grant,—  
payment of.

(6) Notwithstanding the provisions of section 226 of *The Assessment Act* a county treasurer shall not, by reason of the default by a local municipality in payment of any moneys by such municipality to the county or county treasurer, retain or stop payment of any legislative grant or any part thereof received by him.

Rev. Stat.,  
c. 238.

Rev. Stat.  
c. 323, s. 108  
amended.

16. Section 108 of *The Public Schools Act* is amended by adding thereto the following subsections:

County  
pupils  
attending  
fifth form  
classes in  
urban muni-  
cipality.

(5) Where pupils from a county attend fifth classes in the schools of an urban municipality, the council of the county may agree with the board or boards having jurisdiction over such schools to contribute and pay to it or them for the cost of education of each of the said pupils a sum not exceeding eighty per centum of the total cost per pupil, which total cost shall be ascertained by dividing the total expenditure for the fifth classes, less any revenues by way of grants and fees properly attributable or apportionable thereto, by the total number of days attendance of all pupils attending the fifth classes during the year in which the said pupils from the county attend.

County  
levy for  
pupils.

(6) For the purpose of providing any sum agreed to be paid for any year under subsection 5, the council

Section 14: Self-explanatory.

Section 15 makes it clear that the county treasurer has not the power to stop the payment of Legislative grants to the schools in the county.

Section 16 makes possible the extension of the county support now given to fifth classes within the county to fifth classes in adjoining urban municipalities by agreement between the county council and the urban boards concerned.



of the county shall in the next ensuing year include such sum in the amounts to be levied for county purposes as provided in *The Assessment Act*.

Rev. Stat.,  
c. 238.

Rev. Stat.  
c. 323, s. 109  
amended.

**17.** Section 109 of *The Public Schools Act* as amended by section 9 of *The School Law Amendment Act, 1930*, is further amended by adding thereto the following subsection:

Township  
grant  
towards  
teachers'  
salaries.

(7) Each section in a township which forms part of a consolidated school section shall for the purposes of subsection 1 be counted as a separate section.

Sum to be  
collected  
under  
subss. 1 and 2  
of s. 109.

**18.** For the years 1933 and 1934 the sum or sums to be levied and collected by assessment under the provisions of subsections 1 and 2 of section 109 of *The Public Schools Act* shall be seventy-five per centum only of the respective sums set forth or mentioned in such subsections.

Rev. Stat.  
c. 323, s. 135  
amended.

**19.** Section 135 of *The Public Schools Act* is amended by adding thereto the following subsection:

Disqualifi-  
cation for  
non-payment  
of taxes.

(1a) A person whose taxes for school purposes at the time of election are overdue and unpaid shall not be eligible to be elected as a trustee or to sit or vote as a member of a board.

Rev. Stat.  
c. 325, s. 3  
amended.

**20.** Section 3 of *The Continuation Schools Act* is amended by adding thereto the following subsection:

Estimates,—  
to be sub-  
mitted to  
municipal  
council.

(2) The board having jurisdiction over a continuation school shall prepare and submit to the municipal council or councils liable under this Act on or before such time as the council may prescribe, estimates for the current year of all sums required to be provided by the council to meet expenditures for such continuation school, and such estimates shall be separate from those relating to public or separate schools and shall show the amount of any surplus or deficit remaining at the end of the preceding year, and the revenues estimated to be derived from legislative grants, any county or other municipality, fees, and from all other sources.

Rev. Stat.  
c. 325, s. 4,  
subs. 1  
re-enacted.

**21.**—(1) Subsection 1 of section 4 of *The Continuation Schools Act* is repealed and the following substituted therefor:

Certain  
pupils not  
liable for  
fees.

(1) No fees shall be payable by or in respect of a pupil attending a continuation school who is

(a) a pupil who resides or whose parent or guardian resides, or is assessed for an amount equal to



Section 17 reduces the township levy for salaries by lowering the equalized assessment in each school section in townships where there are consolidated schools.

Section 18 reduces the township levy for public schools.

Section 19 makes the provisions of *The Public Schools Act* correspond with the provisions of *The Municipal Act*.

Section 20 makes it compulsory for boards to give details of their finances. See note Section 12 (4) of this Bill.

Section 21—(1) makes *The Continuation Schools Act* correspond with *The High Schools Act*.

the average assessment of the ratepayers in the municipality or school section by the board of which the school is established.

- (b) a pupil whose cost of education is payable under the provisions of section 7 either as a county pupil or otherwise.

Rev. Stat.  
c. 325, s. 4  
amended.

(2) The said section 4 is amended by adding thereto the following subsection:

Attendance  
at continua-  
tion school.

- (5) Notwithstanding the provisions of subsection 1 no pupil who having completed the fourth form course in a public or separate school has attended any other school or schools for six years shall after the expiration of such six years be entitled to attend a continuation school except upon payment of such fees as may be prescribed by the board, but such fees shall not be greater than the average cost per pupil for education in such continuation school.

Rev. Stat.  
c. 325, s. 7  
amended.

**22.** Section 7 of *The Continuation Schools Act* is amended by adding thereto the following subsection:

Limitation  
of County  
liability in  
respect of  
per capita  
cost.

- (5) Notwithstanding any of the provisions of this section, where in any year the total cost of education per pupil of the county pupils attending a continuation school is ascertained to have exceeded \$100 per county pupil, computed on the basis set forth in this section, the council of the county may from any amount payable by it under this section in respect of such county pupils deduct a sum equal to one-half the amount by which the cost of education per county pupil exceeded \$100 for each county pupil in respect of the cost of whose education the county is liable.

Rev. Stat.  
c. 325, s. 8,  
subs. 3  
amended.

**23.** Subsection 3 of section 8 of *The Continuation Schools Act* is amended by adding at the end thereof the following words:

"but in such case each of the counties shall pay for the maintenance of pupils residing therein who attend any high schools situate in any other of the counties."

so that the said subsection shall now read as follows:

Apportion-  
ment  
between  
counties in  
union.

- (3) The council of united counties may apportion the amount to be levied for continuation schools so that each county in the union shall be liable only

(2) makes *The Continuation Schools Act* correspond with *The High Schools Act* as amended in Section 28 of this Bill.

Section 22 limits the county liability for the maintenance of county pupils.

Section 23 enables each county in united counties to collect for the cost of education of pupils from any county in the union, the term "adjacent" not being applicable in the case of united counties.

for sums payable in respect to continuation schools situate therein, but in such case each of the counties shall pay for the maintenance of pupils residing therein who attend any high school situate in any other of the counties.

Rev. Stat.  
c. 326, s. 7,  
subs. 1  
re-enacted.

**24.** Subsection 1 of section 7 of *The High Schools Act* is repealed and the following substituted therefor:

Establish-  
ment of  
high school  
districts.

- (1) Every city and separated town is hereby established as a high school district, and a high school shall be established in every such high school district.

Rev. Stat.  
c. 326, s. 23,  
cl. i  
re-enacted.

**25.** Clause *i* of section 23 of *The High Schools Act* is repealed and the following substituted therefor:

Estimates  
to be  
submitted  
to municipal  
council.

- (i) to prepare and submit to the municipal council or councils liable under this Act on or before such time as the council may prescribe, estimates for the current year of all sums required to be provided by the council to meet expenditures for maintenance of the schools under the charge of the board during the current calendar year, and such estimates shall show the amount of any surplus or deficit remaining at the end of the preceding year and the revenues estimated to be derived from legislative grants, any county or other municipality, fees and from all other sources; and such estimates may include an additional sum not exceeding \$500 as may be deemed expedient for permanent improvements to be made during the same period.

Rev. Stat.  
c. 326, s. 37  
amended.

**26.** Section 37 of *The High Schools Act* is amended by adding thereto the following subsection:

County not  
liable for  
pupils from  
certain  
municipali-  
ties.

- (8) For the purposes of this section a pupil who or whose parents or guardians reside in a town or village having a population of not less than 1,200 or in a township having a population of not less than 4,000 shall not be deemed to be a county pupil and the county shall not be liable for the cost of his education except by agreement entered into pursuant to subsection 5 of section 45, and every such pupil shall only be entitled to attend a high school in a city or separated town or in an adjacent county if he is a resident pupil or, if he is not a resident pupil, as a non-resident pupil at the discretion of the board or by agreement entered into pursuant to subsection 5 of section 45.

Section 24 provides for the establishment of a high school in every city and separated town.

Section 25 compels boards to give details of their finances. See notes to Sections 12 (4) and 20 of this Bill.

Section 26 relieves high school districts in certain counties where municipalities send a large secondary school population to adjacent cities and charge eighty per centum of the cost to all municipalities within the county.

Rev. Stat.  
c. 326  
amended.

**27.** *The High Schools Act* is amended by adding thereto the following section:

Limitation  
of County  
liability  
in respect of  
per capita  
cost.

**37a.** Notwithstanding any of the provisions of sections 34, 35 or 37, where in any year the total cost of education per pupil of the county pupils attending a high school is ascertained to have exceeded \$125 per county pupil, computed on the basis set forth in that one of the said sections which is applicable, the council of the county may from any amount payable by it under such section in respect of such county pupils deduct a sum equal to one-half of the amount by which the cost of education per county pupil exceeded \$125 for each county pupil in respect of the cost of whose education the county is liable.

Rev. Stat.  
c. 326  
amended.

**28.** *The High Schools Act* is amended by adding thereto the following section:

When fees  
payable.

**46a.** Notwithstanding the provisions of sections 45 and 46 no pupil who having completed the fourth form course in a public or separate school has attended any other school or schools for six years shall after the expiration of such six years be entitled to attend a high school except upon payment of such fees as may be prescribed by the board, but such fees shall not be greater than the average cost per pupil for education in such high school.

Rev. Stat.  
c. 326, s. 50,  
subs. 1, cl. b  
amended.

**29.** Clause *b* of subsection 1 of section 50 of *The High Schools Act* as amended by subsection 1 of section 6 of *The School Law Amendment Act, 1928*, is further amended by adding at the end thereof the following words:

“The board of a township school area established under the provisions of this or any other Act may on or before the 1st day of June in any year appoint an additional member to the board of examiners of such high school district in the county to which for the purposes of this section the public school inspector for the school area may direct it shall be attached.”

Rev. Stat.  
c. 326, s. 56,  
subs. 1  
(1931, c. 71,  
s. 13)  
amended.

**30.** Subsection 1 of section 56 of *The High Schools Act* as re-enacted by section 13 of *The School Law Amendment Act, 1931*, is amended by adding at the end thereof the words “provided that where the 1st day of September is a Friday the schools shall not be opened until the following Tuesday,” so that the said subsection shall now read as follows:

Section 27 limits the county liability for the maintenance of county pupils. See note to Section 22 of this Bill.

Section 28 relieves school boards of the cost of education of pupils who are not making reasonable progress through the school.

Section 29 gives boards of township school areas representation on the entrance board of examiners.

Section 30 is necessary in order to correspond with the change in *The Public Schools Act*. See Section 5 of this Bill.



Terms.

- (1) The school year shall consist of two terms, the first of which shall begin on the 1st day of September and shall end on the 22nd day of December and the second of which shall begin on the 3rd day of January and end on the 29th day of June; provided that where the 1st day of September is a Friday the schools shall not be opened until the following Tuesday.

Rev. Stat.  
c. 328, s. 21,  
subs. 1  
amended.

**31.** Subsection 1 of section 21 of *The Separate Schools Act* is amended by adding at the commencement thereof the words "Subject to the approval of the Minister of Education."

Rev. Stat.  
c. 328, s. 38  
amended.

**32.** Section 38 of *The Separate Schools Act* is amended by adding thereto the following subsection:

Furnishing  
voters' lists  
of separate  
school  
supporters  
to board.

- (16) In cities and towns the clerk of the municipality, instead of furnishing to the board the lists as provided in subsection 10 or 11 shall, within three days after request in writing, furnish to the board the voters' list for each ward or polling subdivision as the case may be, with the letter "S" marked or written therein opposite the name of every supporter of separate schools for Roman Catholics and after the name of every Roman Catholic wife or husband of such supporter.

Rev. Stat.  
c. 328  
amended.

**33.** *The Separate Schools Act* is amended by adding thereto the following section:

Election of  
trustees,—  
who may  
vote.

- 40a. In cities and towns every person whose name is on the voters' list as entitled to vote at municipal elections and who is a supporter of separate schools for Roman Catholics, or who, being a Roman Catholic, is the wife or husband of a supporter of such separate schools, shall be entitled to vote at the election of trustees of the Roman Catholic separate schools.

Rev. Stat.  
c. 331, s. 5,  
subs. 1  
amended.

**34.**—(1) Subsection 1 of section 5 of *The Teachers' and Inspectors' Superannuation Act* is amended by inserting after the word "employed" in the twelfth line the words "or of his average salary for the full number of years during which he has made contributions to the Fund whichever proves to be the greater," so that the first paragraph of the said subsection shall now read as follows:

Annual  
allowance  
on retire-  
ment after  
forty years.

- (1) Every teacher and every inspector who applies to the Minister for the superannuation allowance provided for by this Act and who furnishes to the



Section 31 is necessary in order to correspond with the change in *The Public Schools Act*. See Section 8 of this Bill.

Sections 32, 33 give the same privilege of the courtesy vote to the wives of separate school supporters as is given to the wives of public school supporters.

Section 34.—(1) The purpose of this amendment is to avoid penalizing the teacher who is about to be superannuated by counting his salary for the last few years when salaries have materially decreased.

Minister evidence that he has been employed for at least forty years prior to the date of such application and has retired from his profession and ceased to be so employed since the 31st day of December, 1916, and who produces such proof of age, length of employment and other evidence as may be required by the regulations shall be entitled to be paid during his lifetime an annual allowance chargeable against the Fund equal to one-sixtieth of his average salary for the last ten years during which he was employed, or of his average salary for the full number of years during which he has made contributions to the Fund whichever proves to be the greater, multiplied by the number of full years during which he was employed, and all payments so made shall be debited to the Fund, but,—

Rev. Stat.  
c. 331, s. 5,  
subs. 1  
amended.

(2) The said subsection 1 of section 5 is further amended by adding thereto the following clause:

Amount of  
annual  
allowance.

(h) Notwithstanding anything contained in any of the preceding clauses of this section, the amount of such annual payment as above computed shall not exceed three-fifths of the average salary of the teacher or inspector as computed according to this subsection.

Rev. Stat.  
c. 331, s. 5,  
subs. 4  
(1930, c. 63,  
s. 21)  
amended.

(3) Subsection 4 of the said section 5 as re-enacted by section 21 of *The School Law Amendment Act, 1930*, is amended by inserting after the word "who" in the second line the words "within two years from the date of his last employment," so that the said subsection shall now read as follows:

Retirement  
on account  
of per-  
manent  
disability.

(4) Every teacher and inspector who has been employed for at least fifteen years and who within two years from the date of his last employment makes application to the Minister for an annual allowance under this Act and produces the certificate of a legally qualified medical practitioner designated by the Minister, which certificate is verified by an official medical referee appointed by the Minister, that he became incapacitated while employed and suffers from a physical disability which totally and permanently incapacitates him from further employment, shall be entitled to the annual allowance provided by subsection 1.

Rev. Stat.  
c. 331, s. 5,  
subs. 4a,  
(1930, c. 63,  
s. 21)  
amended.

(4) Subsection 4a of the said section 5 as enacted by section 21 of *The School Law Amendment Act, 1930*, is amended by inserting after the word "who" in the second line the words

(2) The Superannuation Commission points out that no other fund is known to provide a greater proportionate pension than that of three-fifths of the average salary before retirement.

(3), (4) There have been cases where a teacher has left the profession through ill-health and has made application to the Commission some years afterwards for a pension. The Commission, in a few cases, has been required to make a very large initial payment to cover the teacher's annuity from the time of leaving the profession through illness to the time when the teacher definitely applies for the pension. It is felt by the Commission that no pension should date back from the time of application for a period greater than two years.

"within two years from the date of his last employment," so that the said subsection shall now read as follows:

Retirement  
on account  
of disability  
in other  
cases.

- (4a) Every teacher and inspector who has been employed for at least fifteen years and who within two years from the date of his last employment makes application to the Minister for an annual allowance under this Act and who produces the certificate of a legally qualified medical practitioner designated by the Minister, which certificate is verified by an official medical referee appointed by the Minister, that while employed he has become physically incapacitated from employment, may be granted an annual allowance actuarially equivalent to that provided in the case of a teacher or inspector retiring after thirty-nine years of employment, having regard to the difference in length of employment and the earlier age at which the allowance becomes payable, but no such allowance shall be less than \$240 per annum, with an additional \$10 over and above that amount for each year by which the age of the applicant exceeds sixty years.

Rev. Stat.  
c. 331, s. 5  
amended.

- (5) Section 5 of *The Teacher's and Inspectors' Superannuation Act* is amended by adding thereto the following subsection:

Certificate  
of employ-  
ment.

- (8) Where for any of the purposes of this Act a teacher is required to furnish evidence as to any period or periods of years during which he has been employed as a teacher, he shall upon request in writing therefor be entitled to receive free of charge a written certificate from the secretary of any school board by which he has been employed as a teacher as to the period or periods of years of such employment, and it shall be the duty of such secretary to furnish the certificate when so requested.

Rev. Stat.  
c. 331, s. 7  
amended.

- 35.** Section 7 of *The Teachers' and Inspectors' Superannuation Act* is amended by adding at the end thereof the words "with interest thereon at the rate of three per centum per annum," so that the said section shall now read as follows:

Death after  
becoming  
entitled to  
superannua-  
tion  
allowance.

7. Where a teacher or inspector dies after becoming entitled to the superannuation allowance provided for in section 5 his personal representatives shall be entitled to receive out of the Fund a sum sufficient to make the total amount received by him or his representatives equal to the total amount of his contributions to the Fund with interest thereon at the rate of three per centum per annum.

(5) There have been cases where secretaries of boards have charged teachers for certificates showing the dates of employment by the board.

Section 35: No interest has been paid hitherto. This will enable the estate of a pensioned teacher to receive the full equity of any contributions made by the teacher to the Fund.

Rev. Stat.  
c. 331, s. 14,  
cl. g  
amended.

**36.** Clause g of section 14 of *The Teachers' and Inspectors' Superannuation Act* is amended by inserting after the word "overseas" in the first line the words "or from other provinces in the Dominion of Canada," and by inserting after the word "overseas" in the sixth line the words "or in other provinces of the Dominion of Canada" so that the said clause shall now read as follows:

Teachers  
exchanging  
under  
arrangement  
with  
British  
Empire  
League.

- (g) Providing that teachers from overseas or from other provinces in the Dominion of Canada engaged in teaching in Ontario under arrangement with the British Empire League and approved by the Minister shall not be required to contribute to the Fund and that teachers from Ontario engaged in teaching overseas or in other provinces of the Dominion of Canada shall, at their option, have the right to contribute to the Fund while so engaged and that the period of such engagement while making such contribution shall be counted for the purposes of this Act as employment in Ontario.

1930, c. 64,  
s. 6  
amended.

**37.** Section 6 of *The Vocational Education Act, 1930*, is amended by adding thereto the following subsection:

When  
fees  
payable.

- (8) Notwithstanding the provisions of section 7, no pupil who having completed the fourth form course in a public or separate school has attended any other school or schools for six years shall after the expiration of such six years be entitled to attend a vocational school except upon payment of such fees as may be prescribed by the board, but such fees shall not be greater than the average cost per pupil for education in such vocational school.

1930, c. 64,  
s. 8, para. 1,  
cl. a  
re-enacted.

**38.**—(1) Clause a of the paragraph numbered 1 of section 8 of *The Vocational Education Act, 1930*, is repealed and the following substituted therefor:

- (a) The chairman and three other members of the board, including the representative, if any, appointed by the board of public school trustees, the representative appointed by the board of separate school trustees, and one of the representatives, if any, appointed by the county council, and where a board of education is established, the chairman and three other members of the board, one of whom shall be the representative, if any, appointed by the separate school board, and another of whom shall be one of the representatives, if any, appointed by the county council.



Section 36: Heretofore when teachers in Ontario exchanged with teachers in other provinces in the Dominion there was no provision whereby the Ontario teacher might continue to contribute to the Fund during the year of exchange. There was also no provision in the Act to release the teacher from the other province teaching on exchange in Ontario from contribution to the Ontario Fund.

Section 37: The object of this amendment is to make *The Vocational Education Act* correspond with *The Continuation Schools Act* and *The High Schools Act* as amended in Sections 21 (2) and 28 of this Bill, respectively.

Section 38: The amendments made by this section provide that the chairman of the board and representatives from both the public school trustees and the separate school trustees, and one county representative if any, shall be members of the Advisory Vocational Committee, so that as many different interests as possible shall be represented on this Committee.

March 30, 1933.

1930, c. 64,  
s. 8, para. 2,  
cl. *a*  
re-enacted. (2) Clause *a* of the paragraph numbered 2 of the said section 8 is repealed and the following substituted therefor:

- (a) The chairman and five other members of the board, including the representative, if any, appointed by the board of public school trustees, the representative appointed by the board of separate school trustees and one of the representatives, if any, appointed by the county council; and where a board of education is established, the chairman and five other members of the board, one of whom shall be the representative, if any, appointed by the separate school board and another of whom shall be one of the representatives, if any, appointed by the county council.

Commence-  
ment of Act. **39.** This Act shall come into force on the day upon which it receives the Royal Assent.





BILL

The School Law Amendment Act, 1933.

*1st Reading*

March 29th, 1933

*2nd Reading*

*3rd Reading*

MR. HENRY (York, East)

4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

The School Law Amendment Act, 1933.

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MR. HENRY (York East)

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No. 124

1933

# BILL

## The School Law Amendment Act, 1933.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The School Law Amendment Act, 1933*.

Rev. Stat.  
c. 322, s. 4,  
cl. *f*,  
re-enacted.

**2.** Clause *f* of section 4 of *The Department of Education Act* is repealed and the following substituted therefor:

Medical  
and dental  
inspection.

(*f*) for the medical and dental inspection of pupils in public and separate schools where provision for such inspection was inaugurated by the boards of such schools prior to the 31st day of July, 1924, provided the regulations therefor are first approved by the Minister of Health.

Rev. Stat.  
c. 322, s. 5,  
subs. 1, cl. *k*  
repealed.

**3.**—(1) Clause *k* of subsection 1 of section 5 of *The Department of Education Act* is repealed.

Rev. Stat.  
c. 322, s. 5,  
subs. 1, cl. *s*  
amended.

(2) Clause *s* of subsection 1 of the said section 5 is amended by striking out the words "in rural public and separate schools and in public and separate schools in the territory without county organization" in the third, fourth and fifth lines and inserting in lieu thereof the words "in public and separate schools" so that the said clause shall now read as follows:

Grants for  
medical and  
dental  
inspection.

(*s*) to apportion and pay out of such moneys as may be voted for that purpose, grants for medical and dental inspection in public and separate schools.

Agree-  
ments,—  
cancellation  
and  
renewal.

**4.** Notwithstanding the provisions of any agreement heretofore made and now subsisting between the Minister of Education or the Department of Education and any board

of education, high school board or continuation, public or separate school board relating to the training of students of the College of Education or of a normal school, or that the term or period of operation of any such agreement will not have expired on the 30th day of June, 1933, the Minister of Education on one month's notice in writing to the board with which any such agreement is made, may cancel the same and may enter into such new agreement with the board in relation to the said matters as he may from time to time see fit.

5. Subsection 1 of section 6 of *The Public Schools Act* is amended by adding at the end thereof the words "provided that where the 1st day of September is a Friday the schools shall not be opened until the following Tuesday," so that the said subsection shall now read as follows:

Rev. Stat.  
c. 323, s. 6,  
subs. 1  
amended.

- (1) The school year shall consist of two terms, the first of which shall begin on the 1st day of September and shall end on the 22nd day of December, and the second of which shall begin on the 3rd day of January and end on the 29th day of June, provided that where the 1st day of September is a Friday the schools shall not be opened until the following Tuesday.

Terms.

6. Section 15 of *The Public Schools Act* is amended by adding thereto the following subsection:

Rev. Stat.  
c. 323, s. 15  
amended.

- (9) The provisions of subsection 1 of section 82 shall apply as to the first meeting in each year of every board elected pursuant to the provisions of this section.

First meet-  
ing of board.

7. Subsection 7 of section 46 of *The Public Schools Act* is amended by adding after the word "applicable" in the sixth line the words "to purchase by the municipality and" and by adding at the end of the said subsection the words "and the board may in such cases exercise the powers of purchase conferred upon a municipality," so that the said subsection shall now read as follows:

Rev. Stat.  
c. 323, s. 46,  
subs. 7  
amended.

- (7) When it appears from the entries in the book kept by the sheriff that any school rate is in arrear for three years from the 31st day of December in the year in which the same became payable the sheriff shall proceed to collect the same by the sale of the lands assessed, and the procedure in relation to such sale and the provisions applicable to purchase by

Sale of  
land for  
arrears.

the municipality and to the redemption of lands thereafter and to deeds to be given by the sheriff to tax purchasers shall be the same as nearly as may be as in the case of the sale of lands for arrears of taxes in organized municipalities and the board may in such cases exercise the powers of purchase conferred upon a municipality.

Rev. Stat.  
c. 323, s. 78,  
subs. 1  
amended.

8.—(1) Subsection 1 of section 78 of *The Public Schools Act* is amended by adding after the word "trustee" in the first line the words "of a rural school section," so that the said subsection shall now read as follows:

Vacancy in  
office of  
trustee.

- (1) Where the office of trustee of a rural school section becomes vacant from any cause, the remaining trustees shall, except as provided in subsection 2, forthwith hold a new election to fill such vacancy in the manner provided for holding the annual election of trustees, and the person elected shall hold office for the remainder of the term for which his predecessor was elected.

Rev. Stat.  
c. 323, s. 78,  
subs. 2  
re-enacted.

(2) Subsection 2 of the said section 78 is repealed and the following substituted therefor:

Vacancy in  
urban  
board.

- (2) Subject to the provisions of subsection 2a, where the office of a trustee of an urban school board becomes vacant from any cause, a majority of the remaining trustees present shall, at the first regular meeting after the vacancy occurs, elect some duly qualified person to fill the vacancy, and the person so elected shall hold office for the remainder of the term for which his predecessor was elected, and in the case of an equality of votes the chairman of such meeting shall have a second or casting vote.

Rev. Stat.  
c. 323, s. 78  
amended.

(3) The said section 78 is further amended by adding thereto the following subsection:

Vacancy  
within  
one month  
of annual  
election.

- (2a) In the case of an urban school board, any vacancy which occurs within one month of the time for the next ensuing annual election shall not be filled in the manner provided by subsection 2 but the office shall remain vacant until the annual election and if the term of the vacant office then expires a new trustee shall be elected, or if the term of the vacant office does not then expire, some duly qualified person shall be elected at such annual election to fill the vacancy for the unexpired term of office for which his predecessor was elected.



9. Subsection 1 of section 83 of *The Public Schools Act* as amended by section 11 of *The School Law Amendment Act, 1932*, is further amended by inserting after the word "provisions" in the first line the words "of subsection 9 of section 15 and," and by striking out the word "on" in the third line and inserting in lieu thereof the words "not later than," so that the said subsection shall now read as follows:

Rev. Stat.  
c. 323, s. 83,  
subs. 1  
amended

- (1) Subject to the provisions of subsection 9 of section 15 and of subsection 5 of section 66, every rural school board shall hold its first meeting in each year at the school house of the section not later than the Wednesday following the annual meeting at the hour of four o'clock in the afternoon, and shall be organized by the election of a chairman, a secretary and a treasurer or a secretary-treasurer.

Organiza-  
tion of  
board at  
first  
meeting.

10.—(1) Section 86 of *The Public Schools Act* is amended by adding thereto the following as subsection 1 thereof:

Rev. Stat.  
c. 323, s. 86  
amended.

- (1) Where in any rural school section there are for two consecutive years less than eight persons between the ages of five and fourteen years residing therein, the Minister may direct that the public school of such section shall no longer remain open, and the same shall thereupon be closed until the Minister otherwise directs.

When  
school may  
be closed.

(2) Subsection 1 of section 86 of *The Public Schools Act* is renumbered as subsection 2 thereof and is amended by striking out the words "The electors of a rural section may by resolution at the annual or any special meeting authorize the board to provide" in the first, second and third lines and inserting in lieu thereof the words "The board of a rural section may provide," so that the said subsection as renumbered shall now read as follows:

Rev. Stat.  
c. 323, s. 86,  
subs. 1  
amended.

- (2) The board of a rural section may provide for the admission of the pupils of such section to the schools of any adjoining urban municipality or school section, or to an Indian school under the supervision of a public school inspector, subject to the approval of the Minister and of the board of such urban municipality or school section or authority having control of the Indian school, and the accommodation provided under such arrangement shall be taken in lieu of the accommodation which the board is required by this Act to make for the pupils of the section, and as a public school within the meaning of sections 108 and 109.

Admission  
of pupils  
from rural  
school  
section to  
urban or  
Indian  
schools.

Rev. Stat.  
c. 323, s. 86,  
subs. 2, 3  
and 4  
re-numbered. (3) Subsections 2, 3 and 4 of the said section 86 are renumbered as subsections 3, 4 and 5 hereof respectively.

Rev. Stat.  
c. 323, s. 88,  
amended. **11.**—(1) Section 88 of *The Public Schools Act* is amended by striking out the words "It shall be the duty of the boards of all public schools," at the commencement of the said section, and inserting in lieu thereof the words "It shall be the duty of the boards of all public schools to see that the same are conducted according to this Act and the regulations."

Rev. Stat.  
c. 323, s. 88,  
cl. *j*  
re-enacted. (2) Clause *j* of the said section 88 is repealed and the following substituted therefor:

- (*j*) to provide and pay for such medical and dental inspection of pupils as the regulations may prescribe, but only where provision for such medical and dental inspection was inaugurated by the board prior to the 31st day of July, 1924.

Rev. Stat.  
c. 323, s. 88,  
cl. *k*  
re-enacted. (3) Clause *k* of the said section 88 is repealed and the following substituted therefor:

- Agreement  
for medical  
and dental  
inspection.
- (*k*) to enter into an agreement with the local board of health of the municipality to provide medical and dental inspection of pupils as authorized by *The Public Health Act*, as the board may deem proper.

Rev. Stat.  
c. 323, s. 88,  
cl. *p*  
re-enacted. (4) Clause *p* of the said section 88 is repealed and the following substituted therefor:

- Estimates  
to be  
submitted  
to council.
- (*p*) to prepare and submit to the municipal council on or before such time as the council may prescribe estimates for the current year of all sums required to be provided to meet expenditures for the schools under their charge, and such estimates shall show the amount of any surplus or deficit remaining at the end of the preceding year and any revenues estimated to be derived by the board during the current year from all sources.

Rev. Stat.  
c. 323, s. 90,  
subs. 1  
amended. **12.** Subsection 1 of section 90 of *The Public Schools Act* is amended by striking out the words "gymnastics and other" in the third line, so that the said subsection shall now read as follows:

- Grant for  
encourage-  
ment of  
physical  
training.
- (1) An urban board may expend such sums as it may deem expedient for establishing and maintaining cadet corps and in promoting and encouraging athletic exercises but such sums shall not exceed



\$200 per annum when the annual registered attendance of pupils does not exceed three thousand and \$50 additional for each additional thousand in attendance.

13. Section 91 of *The Public Schools Act* is amended by adding thereto the words "and the board may make grants to the Ontario Educational Association or other like associations in Ontario," so that the said section shall now read as follows:

91. The board may pay the travelling expenses of any member of the board or of any teacher in the employment of the board incurred in attending meetings of the Ontario Educational Association or other like association of teachers or trustees in Ontario and the board may make grants to the Ontario Educational Association or other like associations in Ontario.

14. Section 107 of *The Public Schools Act* is amended by adding thereto the following subsection:

- (6) Notwithstanding the provisions of section 226 of *The Assessment Act* a county treasurer shall not, by reason of the default by a local municipality in payment of any moneys by such municipality to the county or county treasurer, retain or stop payment of any legislative grant or any part thereof received by him.

15. Section 108 of *The Public Schools Act* is amended by adding thereto the following subsections:

- (5) Where pupils from a county attend fifth classes in the schools of an urban municipality, the council of the county may agree with the board or boards having jurisdiction over such schools to contribute and pay to it or them for the cost of education of each of the said pupils a sum not exceeding eighty per centum of the total cost per pupil, which total cost shall be ascertained by dividing the total expenditure for the fifth classes, less any revenues by way of grants and fees properly attributable or apportionable thereto, by the total number of days attendance of all pupils attending the fifth classes during the year in which the said pupils from the county attend.
- (6) For the purpose of providing any sum agreed to be paid for any year under subsection 5, the council

of the county shall in the next ensuing year include such sum in the amounts to be levied for county purposes as provided in *The Assessment Act*.

Rev. Stat.,  
c. 238.

Rev. Stat.  
c. 323, s. 109  
amended.

**16.** Section 109 of *The Public Schools Act* as amended by section 9 of *The School Law Amendment Act, 1930*, is further amended by adding thereto the following subsection:

Township  
grant  
towards  
teachers'  
salaries.

- (7) Each section in a township which forms part of a consolidated school section shall for the purposes of subsection 1 be counted as a separate section.

Sum to be  
collected  
under  
subs. 1 and 2  
of s. 109.

**17.** For the years 1933 and 1934 the sum or sums to be levied and collected by assessment under the provisions of subsections 1 and 2 of section 109 of *The Public Schools Act* shall be seventy-five per centum only of the respective sums set forth or mentioned in such subsections.

Rev. Stat.  
c. 323, s. 135  
amended.

**18.** Section 135 of *The Public Schools Act* is amended by adding thereto the following subsection:

Disqualifi-  
cation for  
non-payment  
of taxes.

- (1a) A person whose taxes for school purposes at the time of election or at any time during his term of office as trustee, are overdue and unpaid shall not be eligible to be elected as a trustee or to sit or vote as a member of a board.

Rev. Stat.  
c. 325, s. 3  
amended.

**19.** Section 3 of *The Continuation Schools Act* is amended by adding thereto the following subsection:

Estimates,—  
to be sub-  
mitted to  
municipal  
council.

- (2) The board having jurisdiction over a continuation school shall prepare and submit to the municipal council or councils liable under this Act on or before such time as the council may prescribe, estimates for the current year of all sums required to be provided by the council to meet expenditures for such continuation school, and such estimates shall be separate from those relating to public or separate schools and shall show the amount of any surplus or deficit remaining at the end of the preceding year, and the revenues estimated to be derived from legislative grants, any county or other municipality, fees, and from all other sources.

Rev. Stat.  
c. 325, s. 4,  
subs. 1  
re-enacted.

**20.**—(1) Subsection 1 of section 4 of *The Continuation Schools Act* is repealed and the following substituted therefor:

Certain  
pupils not  
liable for  
fees.

- (1) No fees shall be payable by or in respect of a pupil attending a continuation school who is
- (a) a pupil who resides or whose parent or guardian resides, or is assessed for an amount equal to

the average assessment of the ratepayers in the municipality or school section by the board of which the school is established.

- (b) a pupil whose cost of education is payable under the provisions of section 7 either as a county pupil or otherwise.

(2) The said section 4 is amended by adding thereto the following subsection: Rev. Stat. c. 325, s. 4 amended.

- (5) Notwithstanding the provisions of subsection 1 no pupil who having completed the fourth form course in a public or separate school has attended any other school or schools for six years shall after the expiration of such six years be entitled to attend a continuation school except upon payment of such fees as may be prescribed by the board, but such fees shall not be greater than the average cost per pupil for education in such continuation school. Attendance at continuation school.

**21.** Section 7 of *The Continuation Schools Act* is amended by adding thereto the following subsection: Rev. Stat. c. 325, s. 7 amended.

- (5) Notwithstanding any of the provisions of this section, where in any year the total cost of education per pupil of the county pupils attending a continuation school is ascertained to have exceeded \$100 per county pupil, computed on the basis set forth in this section, the council of the county may from any amount payable by it under this section in respect of such county pupils deduct a sum equal to one-half the amount by which the cost of education per county pupil exceeded \$100 for each county pupil in respect of the cost of whose education the county is liable. Limitation of County liability in respect of per capita cost.

**22.** Subsection 3 of section 8 of *The Continuation Schools Act* is amended by adding at the end thereof the following words: Rev. Stat. c. 325, s. 8, subs. 3, amended.

“but in such case each of the counties shall pay for the maintenance of pupils residing therein who attend any continuation school situate in any other of the counties.”

so that the said subsection shall now read as follows:

- (3) The council of united counties may apportion the amount to be levied for continuation schools so that each county in the union shall be liable only Apportionment between counties in union.

for sums payable in respect to continuation schools situate therein, but in such case each of the counties shall pay for the maintenance of pupils residing therein who attend any continuation school situate in any other of the counties.

Rev. Stat.  
c. 326, s. 7,  
subs. 1  
re-enacted.

**23.** Subsection 1 of section 7 of *The High Schools Act* is repealed and the following substituted therefor:

Establish-  
ment of  
high school  
districts.

- (1) Every city and separated town is hereby established as a high school district, and a high school shall be established in every such high school district.

Rev. Stat.  
c. 326, s. 23,  
cl. i  
re-enacted.

**24.** Clause *i* of section 23 of *The High Schools Act* is repealed and the following substituted therefor:

Estimates  
to be  
submitted  
to municipal  
council.

- (i) to prepare and submit to the municipal council or councils liable under this Act on or before such time as the council may prescribe, estimates for the current year of all sums required to be provided by the council to meet expenditures for maintenance of the schools under the charge of the board during the current calendar year, and such estimates shall show the amount of any surplus or deficit remaining at the end of the preceding year and the revenues estimated to be derived from legislative grants, any county or other municipality, fees and from all other sources; and such estimates may include an additional sum not exceeding \$500 as may be deemed expedient for permanent improvements to be made during the same period.

Rev. Stat.  
c. 326, s. 37  
amended.

**25.** Section 37 of *The High Schools Act* is amended by adding thereto the following subsection:

County not  
liable for  
pupils from  
certain  
municipali-  
ties.

- (8) For the purposes of this section a pupil who or whose parents or guardians reside in a town or village having a population of not less than 1,200 or in a township having a population of not less than 4,000 shall not be deemed to be a county pupil and the county shall not be liable for the cost of his education except by agreement entered into pursuant to subsection 5 of section 45, and every such pupil shall only be entitled to attend a high school in a city or separated town or in an adjacent county if he is a resident pupil or, if he is not a resident pupil, as a non-resident pupil at the discretion of the board or by agreement entered into pursuant to subsection 5 of section 45.



**26.** *The High Schools Act* is amended by adding thereto the following section: Rev. Stat. c. 326 amended.

37a. Notwithstanding any of the provisions of sections 34, 35 or 37, where in any year the total cost of education per pupil of the county pupils attending a high school is ascertained to have exceeded \$125 per county pupil, or, in the case of a vocational school or vocational department of a high school, \$150 per county pupil, computed on the basis set forth in that one of the said sections which is applicable, the council of the county may from any amount payable by it under such section in respect of such county pupils deduct a sum equal to one-half of the amount by which the cost of education per county pupil exceeded \$125 or \$150, as the case may be, for each county pupil in respect of the cost of whose education the county is liable. Limitation of County liability in respect of per capita cost.

**27.** *The High Schools Act* is amended by adding thereto the following section: Rev. Stat. c. 326 amended.

46a. Notwithstanding the provisions of sections 45 and 46 no pupil who having completed the fourth form course in a public or separate school has attended any other school or schools for six years shall after the expiration of such six years be entitled to attend a high school except upon payment of such fees as may be prescribed by the board, but such fees shall not be greater than the average cost per pupil for education in such high school. When fees payable

**28.** Clause *b* of subsection 1 of section 50 of *The High Schools Act* as amended by subsection 1 of section 6 of *The School Law Amendment Act, 1928*, is further amended by adding at the end thereof the following words: Rev. Stat. c. 326, s. 50, subs. 1, cl. 5 amended.

"The board of a township school area established under the provisions of this or any other Act may on or before the 1st day of June in any year appoint an additional member to the board of examiners of such high school district in the county to which for the purposes of this section the public school inspector for the school area may direct it shall be attached."

**29.** Subsection 1 of section 56 of *The High Schools Act* as re-enacted by section 13 of *The School Law Amendment Act, 1931*, is amended by adding at the end thereof the words "provided that where the 1st day of September is a Friday the schools shall not be opened until the following Tuesday," so that the said subsection shall now read as follows: Rev. Stat. c. 326, s. 56, subs. 1 (1931), c. 71, s. 131 amended.

Terms.

- (1) The school year shall consist of two terms, the first of which shall begin on the 1st day of September and shall end on the 22nd day of December and the second of which shall begin on the 3rd day of January and end on the 29th day of June; provided that where the 1st day of September is a Friday the schools shall not be opened until the following Tuesday.

Rev. Stat.  
c. 328, s. 38  
amended.

**30.** Section 38 of *The Separate Schools Act* is amended by adding thereto the following subsection:

Furnishing  
voters' lists  
of separate  
school  
supporters  
to board.

- (16) In cities and towns the clerk of the municipality, instead of furnishing to the board the lists as provided in subsection 10 or 11 shall, within three days after request in writing, furnish to the board the voters' list for each ward or polling subdivision as the case may be, with the letter "S" marked or written therein opposite the name of every supporter of separate schools for Roman Catholics and after the name of every Roman Catholic wife or husband of such supporter.

Rev. Stat.  
c. 328  
amended.

**31.** *The Separate Schools Act* is amended by adding thereto the following section:

Election of  
trustees,—  
who may  
vote.

- 40a. In cities and towns every person whose name is on the voters' list as entitled to vote at municipal elections and who is a supporter of separate schools for Roman Catholics, or who, being a Roman Catholic, is the wife or husband of a supporter of such separate schools, shall be entitled to vote at the election of trustees of the Roman Catholic separate schools.

Rev. Stat.  
c. 331, s. 5,  
subs. 1  
amended.

**32.**—(1) Subsection 1 of section 5 of *The Teachers' and Inspectors' Superannuation Act* is amended by inserting after the word "employed" in the twelfth line the words "or of his average salary for the full number of years during which he has made contributions to the Fund whichever proves to be the greater," so that the first paragraph of the said subsection shall now read as follows:

Annual  
allowance  
on retire-  
ment after  
forty years.

- (1) Every teacher and every inspector who applies to the Minister for the superannuation allowance provided for by this Act and who furnishes to the

Minister evidence that he has been employed for at least forty years prior to the date of such application and has retired from his profession and ceased to be so employed since the 31st day of December, 1916, and who produces such proof of age, length of employment and other evidence as may be required by the regulations shall be entitled to be paid during his lifetime an annual allowance chargeable against the Fund equal to one-sixtieth of his average salary for the last ten years during which he was employed, or of his average salary for the full number of years during which he has made contributions to the Fund whichever proves to be the greater, multiplied by the number of full years during which he was employed, and all payments so made shall be debited to the Fund, but,—

(2) The said subsection 1 of section 5 is further amended by adding thereto the following clause: Rev. Stat. c 351, s. 5, subs 1 amended.

(h) Notwithstanding anything contained in any of the preceding clauses of this section, the amount of such annual payment as above computed shall not exceed three-fifths of the average salary of the teacher or inspector as computed according to this subsection. Amount of annual allowance.

(3) Subsection 4 of the said section 5 as re-enacted by section 21 of *The School Law Amendment Act, 1930*, is amended by inserting after the word "who" in the second line the words "within two years from the date of his last employment," so that the said subsection shall now read as follows: Rev. Stat. c 351, s. 5, subs 4 (1930, c 63, s. 21) amended.

(4) Every teacher and inspector who has been employed for at least fifteen years and who within two years from the date of his last employment makes application to the Minister for an annual allowance under this Act and produces the certificate of a legally qualified medical practitioner designated by the Minister, which certificate is verified by an official medical referee appointed by the Minister, that he became incapacitated while employed and suffers from a physical disability which totally and permanently incapacitates him from further employment, shall be entitled to the annual allowance provided by subsection 1. Retirement on account of permanent disability

(4) Subsection 4a of the said section 5 as enacted by section 21 of *The School Law Amendment Act, 1930*, is amended by inserting after the word "who" in the second line the words Rev. Stat. c 351, s. 5, subs 4a (1930, c 63, s. 21) amended

"within two years from the date of his last employment," so that the said subsection shall now read as follows:

Retirement  
on account  
of disability  
in other  
cases.

- (4a) Every teacher and inspector who has been employed for at least fifteen years and who within two years from the date of his last employment makes application to the Minister for an annual allowance under this Act and who produces the certificate of a legally qualified medical practitioner designated by the Minister, which certificate is verified by an official medical referee appointed by the Minister, that while employed he has become physically incapacitated from employment, may be granted an annual allowance actuarily equivalent to that provided in the case of a teacher or inspector retiring after thirty-nine years of employment, having regard to the difference in length of employment and the earlier age at which the allowance becomes payable, but no such allowance shall be less than \$240 per annum, with an additional \$10 over and above that amount for each year by which the age of the applicant exceeds sixty years.

Rev. Stat.  
c. 331, s. 5  
amended.

- (5) Section 5 of *The Teacher's and Inspectors' Superannuation Act* is amended by adding thereto the following subsection:

Certificate  
of employ-  
ment.

- (8) Where for any of the purposes of this Act a teacher is required to furnish evidence as to any period or periods of years during which he has been employed as a teacher, he shall upon request in writing therefor be entitled to receive free of charge a written certificate from the secretary of any school board by which he has been employed as a teacher as to the period or periods of years of such employment, and it shall be the duty of such secretary to furnish the certificate when so requested.

Rev. Stat.  
c. 331, s. 7  
amended.

33. Section 7 of *The Teachers' and Inspectors' Superannuation Act* is amended by adding at the end thereof the words "with interest thereon at the rate of three per centum per annum," so that the said section shall now read as follows:

Death after  
becoming  
entitled to  
superannua-  
tion  
allowance.

7. Where a teacher or inspector dies after becoming entitled to the superannuation allowance provided for in section 5 his personal representatives shall be entitled to receive out of the Fund a sum sufficient to make the total amount received by him or his representatives equal to the total amount of his contributions to the Fund with interest thereon at the rate of three per centum per annum.



**34.** Clause *g* of section 14 of *The Teachers' and Inspectors' Superannuation Act* is amended by inserting after the word "overseas" in the first line the words "or from other provinces in the Dominion of Canada," and by inserting after the word "overseas" in the sixth line the words "or in other provinces of the Dominion of Canada" so that the said clause shall now read as follows:

- (*g*) Providing that teachers from overseas or from other provinces in the Dominion of Canada engaged in teaching in Ontario under arrangement with the British Empire League and approved by the Minister shall not be required to contribute to the Fund and that teachers from Ontario engaged in teaching overseas or in other provinces of the Dominion of Canada shall, at their option, have the right to contribute to the Fund while so engaged and that the period of such engagement while making such contribution shall be counted for the purposes of this Act as employment in Ontario.

**35.** Section 6 of *The Vocational Education Act, 1930*, is amended by adding thereto the following subsection:

- (8) Notwithstanding the provisions of subsection 7, no pupil who having completed the fourth form course in a public or separate school has attended any other school or schools for six years shall after the expiration of such six years be entitled to attend a vocational school except upon payment of such fees as may be prescribed by the board, but such fees shall not be greater than the average cost per pupil for education in such vocational school.

**36.**—(1) Clause *a* of the paragraph numbered 1 of section 8 of *The Vocational Education Act, 1930*, is repealed and the following substituted therefor:

- (*a*) The chairman and three other members of the board, including the representative, if any, appointed by the board of public school trustees, the representative appointed by the board of separate school trustees, and one of the representatives, if any, appointed by the county council, and where a board of education is established, the chairman and three other members of the board, one of whom shall be the representative, if any, appointed by the separate school board, and another of whom shall be one of the representatives, if any, appointed by the county council.

1930, c. 64,  
s. 8, para. 2,  
cl. a  
re-enacted. (2) Clause *a* of the paragraph numbered 2 of the said  
section 8 is repealed and the following substituted therefor:

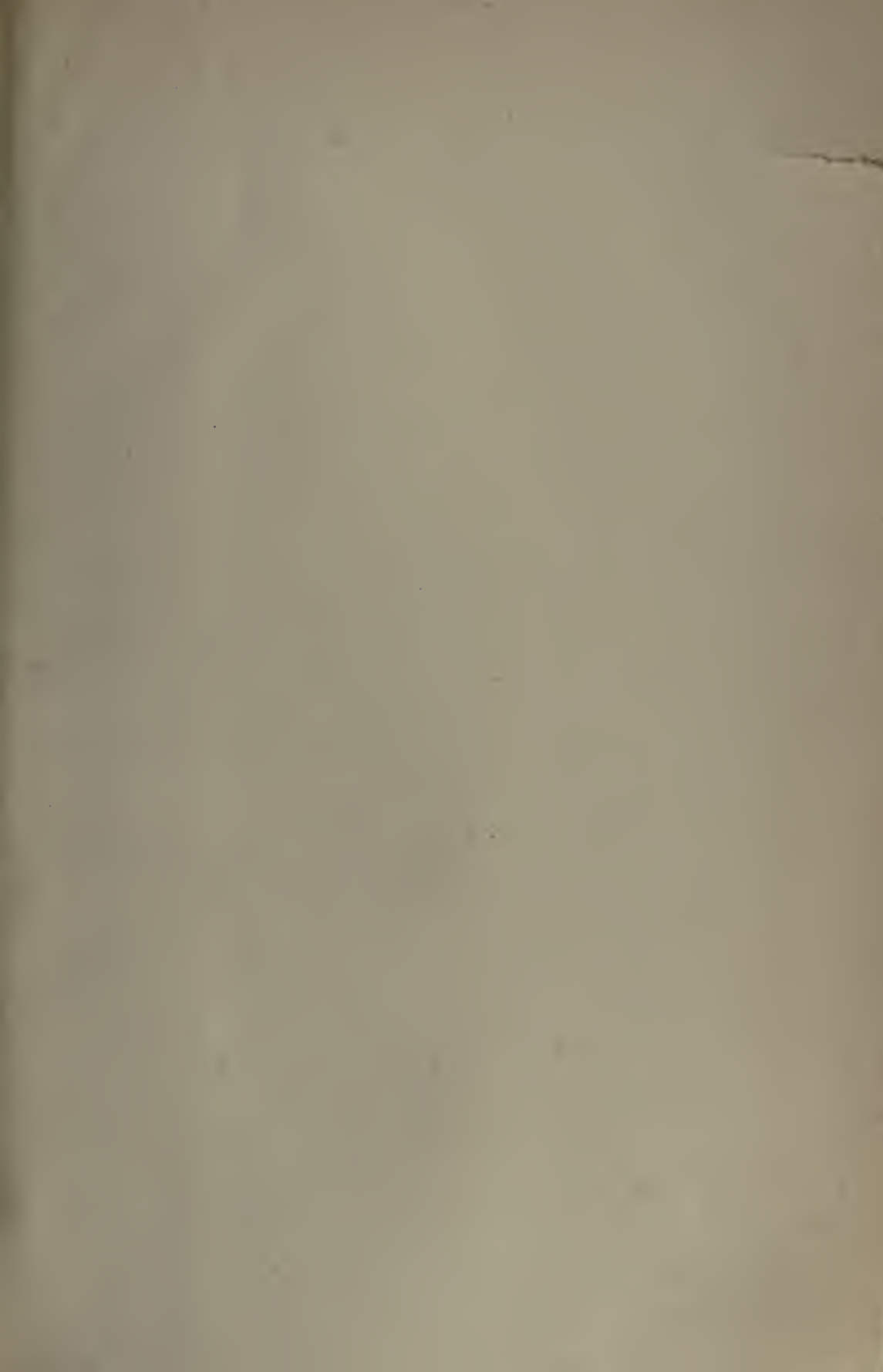
- (a) The chairman and five other members of the board, including the representative, if any, appointed by the board of public school trustees, the representative appointed by the board of separate school trustees and one of the representatives, if any, appointed by the county council; and where a board of education is established, the chairman and five other members of the board, one of whom shall be the representative, if any, appointed by the separate school board and another of whom shall be one of the representatives, if any, appointed by the county council.

Commence-  
ment of Act.

**37.** This Act shall come into force on the day upon which it receives the Royal Assent, with the exception of subsection 2 of section 20 and sections 27 and 35 which shall come into force on the 1st day of September, 1933, and of sections 21, 25, 26 and 36 which shall come into force on the 1st day of January, 1934.







BILL

The School Law Amendment Act, 1933.

*1st Reading*

March 29th, 1933

*2nd Reading*

April 5th, 1933

*3rd Reading*

April 13th, 1933

MR. HENRY (York, East)









